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Maps

SUPREME COURT OF THE UNITED STATES.

No. ~~231~~. 163.

THE UNITED STATES, APP'TS,

vs.

WM. E. P. HARTNELL'S WIDOW, HEIRS AND DEVISEES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

GOVERNMENT PRINTING OFFICE.

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SUPREME COURT OF THE UNITED STATES.

No. 231.

THE UNITED STATES, APP'TS,

vs.

WM. E. P. HARTNELL'S WIDOW, HEIRS AND DEVISEES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Todas Santos y San Antonio and Cosumnes."

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Transcript of the proceedings in case No. 228.

WM. E. P. HARTNELL, claimant, *vs.* THE UNITED STATES, defendant. } For the places named "Todos Santos y San Antonio" and "Cosumnes."

1 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered that on this thirteenth day of May, anno Domini one thousand eight hundred and fifty, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Wm. E. P. Hartnell for the place named Todas Santas y San Antonio Cosumnes was presented and ordered to be filed and docketed with No. 228, and is as follows; to wit:

(*Vide* page 5 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *May* 13, 1852.

In case No. 228, Wm. E. P. Hartnell, for the place named "Todas Santas y San Antonio and Cosumnes," the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner James Wilson, was filed.

(*Vide* page 11 of this transcript.)

SAN FRANCISCO, *January* 27, 1853.

In the same case the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, was filed.

(*Vide* page 12 of this transcript.)

SAN FRANCISCO, *January* 29, 1853.

2 In the same case the deposition of Wm. G. Chard, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(*Vide* page 9 of this transcript.)

SAN FRANCISCO, *Sept.* 23, 1853.

Case No. 228 was called, on motion of the counsel for the claimant, and ordered to the foot of the docket.

SAN FRANCISCO, *Sept.* 26, 1853.

In the same case the deposition of Francisco de la Guerra, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(*Vide* page 9 of this transcript.)

SAN FRANCISCO, *January* 11, 1854.

In the same case the deposition of Fernando Tico, a witness *a witness* in behalf of the claimant, taken before Commissioner R. Aug Thompson, was filed.

(*Vide* page 13 of this transcript.)

SAN FRANCISCO, *April* 18, 1854.

In the same case the counsel for the claimant filed the following motion, to wit:

(*Vide* page 135 of this transcript.)

Which motion having been sustained, it is ordered that the case be revised in the name of the heirs, and testimony be taken in the premises.

SAN FRANCISCO, *June* 1, 1854.

In the same case the deposition of Jonathan T. Sherwood
3 and Thomas McCartney, witness in behalf of the United States, taken before Commissioner Peter Lott, were filed.

(*Vide* pages 14 and 18 of this transcript.)

SAN FRANCISCO, *June*, 1854.

In the same case the deposition of George W. Wyman, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(*Vide* page 19 of this transcript.)

SAN FRANCISCO, *June* 21, 1854.

In the same case the deposition of John P. Rhoades, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed.

(*Vide* page 28 of this transcript.)

SAN FRANCISCO, *June* 26, 1854.

In the case the deposition of John Parker, a witness in behalf of the United States, taken before Commissioner Alpheus Felch, was filed.

(*Vide* page 30 of this transcript.)

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SAN FRANCISCO, *July* 10, 1854.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(*Vide* page 137 of this transcript.)

SAN FRANCISCO, *July* 11, 1854.

In the same case, on motion of the counsel for the claimants, the following order was made, to wit:

(*Vide* pages 135 of this transcript.)

4 SAN FRANCISCO, *July* 17, 1854.

In the same case the deposition of Jose Maria Covarrubias, a witness in behalf of the claimants, taken before Commissioner Peter Lott, was filed.

(*Vide* page 26 of this transcript.)

SAN FRANCISCO, *September* 19, 1854.

Case No. 228 was ordered to be placed at the foot of the 3d class cases on the trial docket.

SAN FRANCISCO, *October* 17, 1854.

In the same case the counsel for the claimants filed the following motion, to wit:

(*Vide* page 135 of this transcript.)

Which motion was granted, and

Ordered, That said petition be amended in accordance with the said motion.

SAN FRANCISCO, *October* 24, 1854.

Case No. 228 was submitted on briefs and taken under advisement by the board.

In the same case the counsel for the claimant filed the following stipulation, to wit:

(*Vide* page 138 of this transcript.)

SAN FRANCISCO, *Aug't* 7, 1855.

In the same case Commissioner S. B. Farwell delivered the opinion of the board confirming the claim.

(*Vide* page 139 of this transcript.)

And the following order was made, to wit:

(*Vide* page 142 of this transcript.)

5 *Petition.*

To the honorable commissioners to settle private land claims in California:

The petitioner, William E. P. Hartnell, respectfully shows: That on the 28th day of August, A. D. 1841, Juan B. Alvarado, governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Todas Santos and San Antonio," situated in the present county of Santa Barbara, containing five square leagues, a little more or less, with the boundaries described in said grant, and set forth in the corresponding plat, a copy of which grant is submitted herewith marked "A," with a translation marked "B."

That on the 4th day of October, A. D. 1841, the said tract of land was surveyed and the juridical possession of it given by the proper authority, in due form of law, copy of which juridical act of possession is submitted herewith marked "C," with a translation marked "D."

And the petition further shows that on the third day of November, A. D. 1844, Manuel Mechetorena, governor of California, by virtue of authority in him vested, granted to the petitioner, on the river Cosumnes, in the present county of Sacramento, a tract of land consisting of eleven square leagues, as described in the title and set forth in the corresponding map, a copy of which grant is submitted herewith marked "E," with a translation marked "F."

And the petitioner further shows that on the 22d day of April, A. D. 1846, the departmental assembly of California confirmed the said grant of "Todos Santos an San Antonio and Cosumnes," to the extent of eleven square leagues, leaving the petitioner to select the eleven leagues so confirmed from the two tracts granted as aforesaid as he should deem fit, the said assembly not deeming themselves authorized to confirm grants for a greater extent than eleven square leagues, all of which is more particularly shown in the ex-

6 pediente of the two grants, copies of which are submitted herewith marked "G" and "I," with translations marked "H" and "J."

And the petitioner further showeth that the said governor Mechetorena was fully empowered by the supreme government to make grants for a greater extent than eleven square leagues, as is fully proven by the powers received by him from the supreme government of Mexico, a copy of which is submitted herewith marked "K," with a translation marked "L."

And the petitioner further shows that he has for more than ten (10) years and now is in quiet, peaceful and undisputed possession of the said tract of "Todos Santos and San Antonio."

That he knows of no conflicting claim.

That immediately on receiving the aforesaid grant for the "Cosumnes" tract, he took possession and occupation of the said tract of land.

That the said tract of "Todos Santos and San Antonio" has not

been surveyed by the surveyor general of the United States, but that it was duly surveyed and its boundaries marked in 1841, as aforesaid.

That the said tract of Cosumnes has not been surveyed by the surveyor general of the United States, but that it was duly surveyed by an officer of the United States in 1841, and its boundaries marked out, a copy of which survey is submitted herewith marked "M."

The petitioner relies for confirmation of title upon the original papers, copies of which are submitted herewith—upon the records and minutes in the archieves now in charge of the surveyor general, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the commissioners to confirm to him the said grants of 5 square leagues of "Todos Santos and San Antonio,"
7 and 11 square leagues of the "Cosumnes tract, and if the honorable commissioners should decide (and against such decision he solemnly protests) that he is entitled to but 11 square leagues in all, the petitioner prays your honorable body to confirm to him two square leagues of the "Todos Santos" tract and 9 square leagues of the "Cosumnes" tract.

By his atty's, HALLECK, PEACHY & BILLINGS.

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

8 *Deposition of W. G. Chard.*

SAN FRANCISCO, *Jan'y 28th*, 1853.

On this day, before Commissioner Hiland Hall, came Wm. G. Chard, a witness in behalf of the claimant, Wm. E. P. Hartnell, petition No. 228, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to inquiries by counsel for the claimant, the witness testified as follows:

My name is William G. Chard; my age is 42 years; and I have been in California 22 years.

I know the rancho on the Cosumnes, claimed by Wm. E. P. Hartnell, it was occupied by him in 1845 with cattle, and he had corrals on it. I saw the cattle when they were put on it in 1845; a house, as I understand, was put on it about that time, but I did not see the house till 1848.

W. G. CHARD.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office Jan'y 29, 1853.

GEO. FISHER, *Sec'y.*

Recorded in Ev. Book, vol. 2, p. 502.

GEO. FISHER, *Sec'y.*

Deposition of F. de la Geurro.

OFFICE OF THE BOARD OF COMMISSIONERS, &c. &c.

This day, before Commissioner Alpheus Felch, came Francisco de la Geurro, a witness in behalf of claimant, Guillamo E. Hartnell, No. 228, who, after being duly sworn, deposed as follows:

Questions. Mr. Halleck, att'y for claim't.

9 1st question. What is your name, age, and place of residence?

Answer. My name is Francisco de la Guerra; my age thirty-six years, and I reside at Santa Barbara, in California.

2d question. Do you know the rancho of Todos Santos y San Antonio. If you do where is it situated, and what do you know about its occupation?

Answer. I know the rancho. It is near the mission of La Purisima in the county of Santa Barbara. I was there in the year 1842, to the best of my recollection. It was occupied by Mr. Hartnell the present claimant, and he had at that time about six hundred head of cattle, and afterwards about two thousand head of cattle upon it, and about three hundred head of horses. He had a house on it and corrals. One of his sons lived in the house with the owners and heardsmen belonging to the rancho. The occupation has continued down to the present time; one of his sons living there now.

FRAN'CO DE LA GUERRO.

Mr. Greenhow, associate law agent, attended at the taking of this deposition, but propounded no questions to the witness. Mr. Fisher, se'cy, &c., acting as interpreter, the testimony being given in the Spanish language.

Subscribed and sworn to before me this twenty-sixth day of September, 1853.

ALPHUS FELCH, *Commissioner.*

Filed in office Sept. 26, 1853.

GEO. FISHER, *Secretary.*

Recorded in Ev. B. vol. 3, p. 208.

GEO. FISHER, *Secretary.*

10 *Deposition of P. de la Guerro.*

Board of commissioners upon private land claims in California, May 12th, A. D. 1852.

The deposition of Pablo de la Guerro taken at the request of W. E. P. Hartnell, to be used in the case No. 228, for confirmation of the grant of the ranchos "Todos Santos y San Antonio" and "Cosumnes."

Questions by claimant.

1 question. What is your name, age, and place of residence?

Answer. My name is Pablo de la Guerro; my age, 32 years; I reside in Santa Barbara, and have lived in California all my life.

2d question. Do you know the signature of Manuel Mecheltorena, and if so say whether his signature to the paper before you is genuine,

if the paper is genuine, and an original official document, and if Exhibit K, filed in claim No. 228, in the office of the secretary of the board of commissioners is a true copy of this original?

Answer. I know the signature of Manuel ——, his signature to the document before me is genuine, and the document in question is genuine, and an original received by me as an official paper when I was collector of customs in California. I have compared this paper with Exhibit "K," filed in claim No. 228, in the office of the secretary of the commissioners, and find the latter to be a correct copy of this original.

Objected to by G. W. Cooley, law agent, U. S. as incompetent.

Question to the witness by George W. Cooley, law agent U. S.

Interrogatory 1st. From whom did you receive the paper now exhibited to you as an official paper?

Deponent's answer. I cannot say from whom I received the
11 paper; I have had the paper in my possession several years. It may have been left with some of the clerks, or I may have found iton my desk in my office. I cannot now state from whom I received it. I received it and treated it as an official paper sent to me for my instruction and guidance in the performance of my official duties as collector of the customs at Monterey, which embraced the whole district of California.

I received the paper as I understood, as coming from Gov. Mechetorena. I had before requested of the governor a copy of his instructions, for the reason that he had made some new regulations in reference to the custom-house

I received the paper now exhibited, as I understood, in consequence of my request.

Interrogatory by Capt. Halleck, counsel for petitioner.

Did Governor Mechetorena show to you a paper which purported to be his original instructions, and of which this paper purports to be a certified copy, before you received the paper exhibited?

Objected to by Mr. Cooley, law agent U. S., as incompetent.

Deponent's answer. He did.

MAY 12, 1853.

PABLO DE LA GUERRO.

Subscribed and sworn to before me.

JAMES WILSON, *Commissioner.*

Filed in office May 12, 1852.

GEO. FISHER, *Sec'y.*

Recorded in record of evidence, vol. 1, page's 367 and 368.

GEO. FISHER, *Sec'y.*

12 *Deposition of Manuel Gimeno.*

SAN FRANCISCO, *Jan'y* 27, 1853.

On this day, before Commissioner Harry I. Thornton, came Manuel Jimeno, a witness on behalf of the claimant, W. E. P. Hartnell, petition No. 228, and was duly sworn; his evidence being interpreted by the secretary.

In answer to questions propounded by claimant's counsel, the witness testified as follows:

My name is Manuel Jimeno; my age is 49 years; and I have resided in California 24 years. I know the handwriting of Manuel Micheltorena, Juan B. Alvardo, Marceso Botello, W. E. P. Hartnell, Fernando Tico, Henrique Mellus, José Antonio de la Guerro y Carrello, Antonio Olivace, José Maria Valenzuela; the signatures to the papers before me marked No. 1, and filed herewith, are genuine; the signatures of Manuel Jimeno are my own.

I know the rancho of Todas Santos described in the papers; it is in Santa Barbara county; Mr. Hartnell occupied, immediately after he got this grant, with a small house, corrals, cattle, and horses; he has continued to occupy ever since; one of his sons lives on it now.

MAN'L JIMENO.

U. S. law agent present.

Sworn to and subscribed before me this 27th Jan'y, 1853.

HARRY J. THORNTON, *Comm'r.*

Filed in office Jan'y 27, 1853.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 2, p. 494.

GEO. FISHER, *Sec'y.*

13 *Deposition of Ferd. Tico.*

Case No. 228.

UNITED STATES LAND COMMISSION,
San Francisco, Jan'y 11th, 1854.

On this day, before Commissioner R. Aug. Thompson, came Fernando Tico, a witness in behalf of claimant, Guillermo Eduado Hartnell, case No. 228, who, being duly sworn, deposed as follows, his evidence being interpreted by the secretary:

Present: Claimants and U. S. law agent.

Witness states his name is Fernando Tico; his age is fifty-five years; and residence, Santa Barbara county, Cal'a.

Question by claimant's att'y. What office did you hold in the year 1841?

Ans. I was judge of the first instance.

Question by the same. Look at the document now shown you, marked Doc. H. I. T. No. 1., annexed to the deposition of Manuel Jimeno filed in this case, purporting to be a record of judicial possession, and state what you know of the execution of the same and of the giving said possession.

Answer. I recognize said document as an original act of juridical possession executed by me in my official capacity. My signatures and rubrics, where they occur thereon, are genuine, and were made by me at the time they bear date. The other signatures on said document of possession are genuine, and were made in my presence.

Question by same. What improvements had Mr. Hartnell, the grantee, on said land at the time you gave such possession?

Answer. He had at that time a wooden house on the land and a stock of cattle; the house was then inhabited, but I do not know by whom.

FERNANDO TICO.

14 Sworn and subscribed before me June 11, 1854.

R. A. THOMPSON, *Com'r.*

Filed in office June 11, 1854.

GEO. FISHER.

Recorded in Ev. B., vol. 3, p. 635.

GEO. FISHER, *Sec'y.*

Deposition of J. O. Sherwood.

228.—U. S.

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *June 1st*, 1854.

This day, personally came before Peter Lott, a commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Jonathan O. Sherwood, a witness on behalf of the United States in case No. 228 on the docket of said board, wherein William Edward Hartnell is claimant; and the said witness being duly sworn on oath, deposed in English as follows, to wit:

The claimant's counsel is present.

Question by U. S. law agent. What is your name, age, and place of residence?

Answer. My name is Jonathan O. Sherwood; my age, 26 years; my residence, Sacramento county, California.

2d question. Are you acquainted with the tract of land claimed by William E. Hartnell on the Cosumnes road; if so, state the average distance from Consumnes road to Dry creek, and the average distance from the lower or western end of his claim to the foot hills of the Sierra Nevada mountains?

Answer. I am acquainted with the land; the average distance between the Cosumnes river and Dry creek is about 15 miles; the average distance from the lower or west end of Hartnell's claim
15 to the foot hills of the Sierra Nevada mountains is 20 miles.

3d question. How many square leagues of land are enclosed within the following boundaries: On the north, the river Cosumnes; on the west, the rancho of Seno. Anaslacio Chaboya; on the south, the vicinity of Dry creek; on the east, the vicinity of the Sierra Nevada?

Answer. Those boundaries would embrace 60 square leagues.

nell respecting his claim on the Cosumnes; if so, when and where it occurred, and the statements he made to you respecting said claim?

Answer. I had a conversation in 1852 with Mr. Hartnell at Monterey. He told me he claimed a tract of land on the Cosumnes river, called the Cosumnes rancho; that he wished to sell it altogether or in parcels. He said he would convey no other title, except a quit claim deed; that his title might or it might not be good; that he took the title from the government on the representation of Mr. Sheldon; that he took it for the purpose of speculation; that he could get it by asking for it and paying the sum of eight dollars for making out the papers. I think that he had some agents there; that he had some stock there and put it in the care of Sheldon; that he had never been there himself and never would go or permit any of his family to go there; that he had realized nothing from his cattle; that they had been stolen or drawn off, and the only thing he had realized from the claim had been from the sale of lands. I recollect nothing more that he then told me of the claim of any moment.

5th question. Did said Hartnell in that conversation say anything about having any other claim; if yea, what did he say?

Answer. Yes; he said he had a claim on the Salinas, in Monterey county; and that he also had another claim in Santa Barbara county. He expressed his confidence that the one in Santa Barbara, and
16 that the one in Sacramento, would be good if any of its dimensions were good.

Cross-examined by claimant's counsel.

1st question. Do you reside on the tract in question in this case?

Answer. I do.

2d. Have you a house and improvements on this land, and do you claim a portion of it?

Answer. Yes, I have a house and improvements and claim a portion of the land as a settler.

3rd question. Are you not, then, directly interested in having the present claim rejected?

Answer. Yes; I believe myself to be interested in having the claim rejected.

4th question. Did you ever measure the distances you have before spoken of, or go in a direct line across the rancho from one side to the other?

Answer. I have, with others, measured a portion of the distances, and judge of the others by comparison. The portions of the distances I have measured are comprised within about four miles in the centre of the rancho, and the others I have judged of by what I have known of the survey by Lieutenant Sherwood.

5th question. What started the conversation you have detailed, to whom was it addressed, and who else was present beside yourself?

Answer. I went on purpose to see Mr Hartnell with reference to his claim in question. The conversation was addressed to myself, and do not recollect that any one else was present. My object in going to Hartnell was to find out what title he had to the land, and to purchase

4th question. Did you ever have any conversation with Mr. Hart-

a portion of it from him if I was satisfied that his claim was good. Hartnell knew my object, or I suppose I made my business known to him.

6th question. When was your attention first called to this conversation subsequently to the time it occurred, and when did you first repeat it to any third person, and to whom have you repeated it?

17 Answer. The first I recollect now of calling up what passed between me and Hartnell I told it to John A. Treadway, in Sacramento county, shortly after the conversation occurred with Hartnell. I think I have spoken of it to Messrs. Pascal and Wells. I do not recollect of having repeated it to others.

The claimant's counsel, Mr Billings, objected to the competency of the whole deposition, on the ground of the interest of the witness in the result of the claim

Re-examined by U. S. law agent.

1st question. Have you any interest in any conflicting grant to the same land?

Answer. I have not.

I. O. SHERWOOD.

Subscribed and sworn to before me on this 1st day of June, A. D. 1854.

PETER LOTT,
Commissioner for taking testimony, &c.

Filed in office June 1st, 1854.

GEO. FISHER, *Secretary.*

Recorded in Ev. Book, vol 4, p. 495.

GEO. FISHER, *Secretary.*

Deposition of Thomas McCartney.

No. 228.—U. S.

UNITED STATES OF AMERICA,
State of California:

SAN FRANCISCO, *June* 1, 1854.

This day, personally came before Peter Lott, a commissioners for taking testimony to be used before the board of U. S. land commissioners in said State, Thomas McCartney, a witness on behalf

18 of the United States, in case No. 228 on the docket of said board, wherein Guillermo Eduardo Hartnell is claimant; and the said witness, being duly sworn on oath, deposed in English as follows, to wit:

The claimant's counsel is present.

Questions by U. S. law agent.

1 question. What is your name, age, and residence?

Answer. My name is Thomas McCartney; my age is 44 years; my residence Sacramento county, California.

2d question. Are you acquainted with the tract of land claimed by William E. Hartnell on the Cosumnes river; if yea, state the average distance from the Cosumnes river to Dry creek, and the average distance from the lower end of his claim to the foot hills of the Sierra mountains?

Answer. I am acquainted with Hartnell's claim there. The average distance from the Cosumnes river to Dry creek I do not know. I was never over there. As to the distance from the west end of the claim, I can say I was never up to the foot hills, though I suppose they must be 23 or 24 miles from the west side of the claim.

3d question. How many square leagues of land are included within the following boundaries: On the north, the river Cosumnes; on the west, the rancho of Señor Ancestasco Chaboya; on the south, the vicinity of Dry creek; on the east, the vicinity of the Sierra Nevada?

Answer. I should not be able to tell you, for I do not know where those points are; I have never been to them. I am only acquainted with portions of the ranch on the river.

THOMAS McCARTNEY.

Subscribed and sworn to before me on this 1st day of June, A. D. 1854.

PETER LOTT,
Com'r for taking testimony, &c.

Filed in office June 1st, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. Book, vol. 4, p. 489.

GEO. FISHER, *Sec'y.*

19 *Deposition of G. F. Wyman.*

228.

UNITED STATES OF AMERICA,
State of California:

SAN FRANCISCO, *June 2d*, 1854.

This day, personally came before Peter Lott, a commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, George F. Wyman, a witness on behalf of claimant in case No. 228 on the docket of said board, wherein William Edward Hartnell is claimant; and said witness, being duly sworn on oath, deposed in English as follows, to wit:

U. S. law agent is present.

Questions by counsel for claimant.

1 Question. What is your name, age, and place of residence?

Answer. My name is George F. Wyman; my age is 35 years; and my residence, San Francisco county, California.

2d Question. Are you acquainted with the Hartnell tract of land on the Cosumnes; if yea, how long have you known it, and what do you know about its occupation and cultivation?

Answer. I am acquainted with the tract called the Hartnell claim;

I know it since 1842. It was occupied in the winter of 1844 and 1845 by Jared Sheldon and William Daylor, as agents of William E. Hartnell. During that winter I assisted said Sheldon and Daylor in building a corral which was built that season, and in the following spring, 1845, Hartnell's stock was brought from the lower country and placed on the land; this was about March, I think. During that same spring and summer, an adobe house was built for Hartnell, under the direction of his agents; and also, in the spring of 1845, a field of some 20 or 30 acres was enclosed by a ditch and sowed in wheat; and the same season a small field of some 3 or 4 acres was enclosed by a ditch for a garden spot: that was planted in corn, melons,
20 beans, peas, and other garden vegetables the same season. The same persons occupied the place, and cultivated it till 1848, when I left the Sacramento valley.

3rd question. State the boundaries of the claim in question?

Answer. It begins at the point on the Cosumnes known as the Pass to Sutters, where the Stockton road passes said river, and runs up the Cosumnes river, which bounds it on the north to a certain point, called the Black Hills; from thence it run southerly across the Dry creek (Arroyo de los Uvas) along the hills which bounded the ranch on the east; said Dry creek bounded it on the south, and the west boundary was the old Sacramento road, which came down and crossed the Cosumnes at the Pass—the place of beginning.

4th question. What is the distance from the Cosumnes to Dry creek, and from the old road on the west of the rancho, to the hills on the east side?

Answer. It is between five and six miles from the Cosumnes to Dry creek, and from the old road on the west side of the upper end of the ranch, we used to call it twelve miles; in fact the ranch is among low hills, rolling ground.

Cross-examined by United States law agent.

1st question. How do you know that Jared Sheldon and William Daylor were the agents of said Hartwell?

Answer. Because they told me so.

2d question. What the terms of their agency?

Answer. I believe they had a share of the increase of the stock.

3d question. Did they not build that corral for their own use while taking care of the stock?

Answer. They did not.

4th question. What did they build it for?

Answer. They had it built for the purpose of shutting Mr. Hartnell's stock up.

21 5th question. Were they not the same cattle of which they were to have a share of the increase?

Answer. They were.

6th question. What had Hartnell to do with the corral personally?

Answer. He employed those men, I suppose, to build it for him.

7th question. Had he any other cattle than such as these men kept for him?

Answer. No.

8th qnestion. What use then had Hartnell for a corral?

Answer. To keep his stock in, most undoubtedly.

9th question. What stock?

Answer. Hartnell's stock, kept by Sheldon and Daylor, of which I have spoken.

10th question. Was the corral ever used by other persons than Sheldon and Daylor; if yea, when, by whom, and for what purpose?

Answer. Yes; I saw it used by a young man who called himself the son of Mr. Hartnell, in the summer of 1845, for the purpose of corralling horses. I know of no others using it.

11 question. For what number of horses and how long a time did young Hartnell use it?

Answer. He had some twelve or fifteen head of horses in it when I saw him, and I cannot say how long he used it. I saw him on two or three different occasions using it; it might have been every day, but I was there every day. The occasions on which I saw him might all have been within a period of eight or ten days.

12th question. Where did you reside in the winter of 1844 and 1845?

Answer. On the American Fork.

13th question. How often and for what length of time were you at the Cosumnes?

Answer. I suppose I was there one hundred times; I would stay
22 five minutes sometimes, sometimes an hour, or all night, just as it happened; sometimes a week, when I was at work there.

14th question. Where did Daylor and Sheldon reside at that time?

Answer. They resided on the north side of the Cosumnes, opposite Hartnell's ranch.

15th question. Had they any cattle of their own; if yea, how many?

Answer. Yes; they had about 150 head.

16th question. Did not Daylor and Sheldon keep the cattle which were driven up from below for Hartnell in the same herd with their own?

Answer. No, they did not; they kept them on the opposite side of the river.

17th question. Did they employ separate herdsmen for the two herds?

Answer. Yes; one was named Salinas, the other was named Robinson. Daylor was the head herdsman.

18th question. How do you know they kept separate herdsmen, and for what reason were they so kept?

Answer. They were kept separate for the purpose of getting the stock used to their places. I know they kept the herdsmen I have named, because I was there and saw it; but as to their being separate herdsmen—I mean they kept the two herdsmen—as to their being separate I do not say. Sometimes two were on one side of the river, and one on the other. Salinas lived on Hartnell's place, but was frequently employed on either side of the river, as circumstances required. If an animal strayed across the river it would be driven back to its own side by one of the herdsmen.

19th question. Why do you state that Sheldon and Daylor built the house for Hartnell?

Answer. Because they told me they were building it for him.

20th question. Which one of them told you so?

23 Answer. Sheldon and Daylor both told me so at different times.

21st question. Which one of them told you first, and state the particulars?

Answer. Mr. Daylor told me he was going to build a house for Mr. Hartnell, before the house was built; that was in the presence of Mr. Robinson at Mr. Daylor's house. Daylor had received a letter from his partner, Mr. Sheldon, from Monterey, who had gone down to see about some papers ooncerning his ranch; I happened to be present when he received it. He told Daylor in the letter to go on the other side, on Mr. Hartnell's land, and put up a house; that led to the conversation and Daylor told me he was going to build a house for Mr. Hartnell.

22d question. When did Sheldon tell you he built the house for Hartnell?

Answer. It was soon after his arrival from below; it might have been some two or three weeks after the conversation at Daylor's; this was before the house was built; he told me they were going to build the house for Hartnell; after the house was built he also told me.

23d Question. Was it at either of those conversations they told you the boundaries of the ranch, and why did they describe the boundaries to you?

Answer. It was not at either of them, it was afterwards. I have not stated that they described the boundaries to me before in this deposition that I recollect of, but I now state that Sheldon described them to me; hs did so because I told him I was going to settle above in a bottom, and he then told me the ranch belonged to Mr. Hartnell, and then described the boundaries to me to prevent my settling within those boundaries.

24th question. How do you know he described them correctly?

Answer. I never said he described them correctly.

25th question. Have you described all your means of knowledge of the boundaries of said rancho, if nay, what further means of knowledge had you respecting them?

Answer. The only knowledge I had of Hartnell's boundaries was from what Sheldon told me of them and common report.

24 26th question. Did you ever measure the distance from the Cosumnes to Dry creek; if nay, how can you state positively the distance.

Answer. I never measured it. I have rode it several times backwards and forwards, and do not pretend to be very positive as to the exact distance.

27th question. Is the west line of the ranch straight or crooked?

Answer. I understand the boundary to be the Stockton road. It is not perfectly straight nor remarkably crooked, but may be called a tolerably direct road.

28th question. Have you ever been along the eastern line of Hart-

nell's claim from the Cosumnes to Dry creek? If yea, state what constitutes it and its length.

Answer. I have never been along there. I do not know the distance. I have been up the Cosumnes to the eastern end of the claim.

29th question. When did you go there?

Answer. I was up there in the spring of 1843.

30th question. What constitutes that eastern end, and how do you know it is the eastern end of the claim?

Answer. The point on the river, which I understand to be the eastern end on the river, is a point of a hill which was called the Black Hill.

31st question. How far does that Black Hill extend; and is it not of the same character as most of the ranch which you have spoken of as hilly?

Answer. I do not know how far it extends. It is a rocky, brushy hill, and in this it differs from the hills down lower on the rancho which are grassy.

32d question. How far is it from the road, on the west side of the ranch to the Sierra Nevada, mountains proper.

Answer. I cannot say. I never measured the distance. I never rode it. I can give no idea of the distance. I have seen the Sierra Nevada at a distance.

25 33rd question. Are they less than 100 miles distant from that road?

34th question. Who made the ditches on the ranch forming the enclosures of which you have spoken?

Answer. The Indians under the control of Mr. Daylor.

35th question. Up to what time did the ditches continue, and what was the location on the ranch?

Answer. I knew them to be there in 1848. The big field was 150 to 200 yards westerly from Hartnell's house on the river, which formed one side of the field; the small one was just in front of the house, on the river also; Daylor's house was near Hartnell's, across the river, a little above.

Re-examination by claimant's counsel.

1st. Who lived in the house on the rancho in question after it was built?

Answer. A man by the name of Salinas lived in it, and I saw Mr. Hartnell's son there in the summer of 1845. Salinas was the same man whom I have mentioned as a herdsman.

G. F. WYMAN.

Subscribed and sworn to before me on this 2d day of June, A. D. 1854.

PETER LOTT,
Commissioner for taking testimony, &c.

Filed in office June 2d, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. Book, vol. 4, p. 502.

GEO. FISHER, *Sec'y.*

C. 228.—*Deposition of José Maria Covarrubias.*

UNITED STATES OF AMERICA,
State of California:

SAN FRANCISCO, *July* 17, 1854.

This day personally came before Peter Lott, a commissioner
26 for taking testimony to be used before the board of U. S. land commissioners in said State, José Maria Covarrubias, a witness on behalf of the claimant, William E. Hartnell, in case No. 228 on the docket of said board, and said witness being sworn, deposed as follows:

The U. S. associate law agent is present.

Questions by claimant's counsel.

1st question. What is your name, age, and residence?

Answer. My name is José Maria Covarrubias; my age, 46 years; residence, Santa Barbara county, California.

2d question. Do you know the rancho claimed in this case, called Todas Santos y San Antonio? If yea, state in what county it is situated, and what you know of its occupation and possession by the claimant.

Answer. I know said rancho. It is in Santa Barbara county, in California. I know that in April, 1842, William E. P. Hartnell sent 500 head of cattle to occupy the place; he had a house there and a corral, and planted some of the land there same year. The land thus cultivated was fenced in. He had an agent there, José Antonio de la Genna, and a son of said Hartnell, who remained some time on the place with the cattle. The son remained there about one year. Since that time the place has been continuously occupied by Hartnell and his family; one of his sons has lived there most of the time, and is now so living there.

3rd question. Look at the document filed in this case marked "Doc. H. S. T., No. 1," annexed to deposition of Manuel Jimeno, &c., and particularly at that portion thereof purporting to be the record of juridical possession, and describe the place therein called "La Cuchella alta del camino real de la cuesta de la Prenesima para San Antonio."

Answer. This point is a high hill near which the road called
"Camino de Todos Santos" passes; this is the road formerly
27 travelled leading from the mission of Purissima to Monterey.

4th question. Do you know a hill called "Los Pinos?"

Answer. I do know it. It is a grove of pines on a hill; it is the boundary of the rancho "Todos Santos."

5th question. Do you know a place called El Bananco y San Marcos, near the old corral?

Answer. I know the place so called; it is embraced in the rancho of San Antonio.

JOSE MARIA COVARRUBIAS.

Subscribed and sworn to before me on this 17th day of July, A. D. 1854.

PETER LOTT, *Comm'r.*

Filed in office July 17, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 5, p. 171.

GEO. FISHER, *Sec'y.*

228 C.—*Deposition of Jno. P. Rhoades.*

UNITED STATES OF AMERICA,
State of California:

SAN FRANCISCO, *June* 20, 1854.

This day personally came before Peter Lott, a commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, John P. Rhoades, a witness on behalf of the claimant in case No. 228 on the docket of said board, wherein William E. Hartnell is claimant; and said witness being duly sworn on oath, testified in English, as follows:

The U. S. law agent is present.

Questions by claimant's counsel.

1 question. What is your name, age, and residence?

Answer. My name is John P. Rhoades; my age, 35 years; my residence, Sacramento county, California.

2d question. Are you acquainted with the tract of land on the
28 Cosumnes river, claimed by William E. P. Hartnell, opposite the Sheldon grant? If yea, state all you know about the occupation and cultivation.

Answer. I am acquainted with the tract mentioned, called the Hartnell claim. I came into that settlement the first of October, 1846, and about a month after that I became acquainted with this tract. I moved at that time on to the land known as the Sheldon grant, directly opposite where Mr. Hartnell's agent lived. I shortly afterwards moved about a mile below on another part of the Sheldon grant, where I have lived ever since. When I got there and first became acquainted, I found the Hartnell place occupied by a man named Solino or Salinas, who was attending to the stock and cultivating the land. He was living in an adobe house on the place. He had a corral or garden enclosed near the house, and a field, of about 100 acres, enclosed by a ditch, and the river on one side. The garden and field were both in cultivation when I got there. The field was sowed in wheat; the stubble was there, and the crop thrashed when I got in. He raised a quantity of vegetables; indeed, he raised more than any other man in the county at that time, except the Sutter place and Grimes.

The place had been cultivated two seasons, as the crop on hand and stubble plainly showed. The place was worked by Indians in Salina's employ, and sometimes as many as 200 or 300.

The stock on the place was composed of some 300 head of horses

and mares altogether, and from 300 to 500 head of cattle. He had from 50 to one hundred head of sheep, and some hogs. I do not know the number of head of sheep or hogs.

The original stock was Mr. Hartnell's; furnished by him. Solino or Salinas was Hartnell's tenant and got a portion (I think one-half) of the increase of the stock and a share of the crops; what proportion I do not know. Mr. Hartnell and his son were both on the
29 place at different times of that season. I do not know what has become of Solinas. He went to the lower country, and I have heard that he is dead, but do not know the fact.

Cross-examined by U. S. law agent.

1 question. How do you know that Salinas was Hartnell's agent or tenant?

Answer. I know it from hearing them both say so, and by their dividing the stock and produce of the farm, each one getting and disposing of his share.

2d question. On what occasions have you known such division to take place?

Answer. I am not certain as to the time, but it was either in the fall of 1848 or the spring of 1849. Mr. Hartnell came up to see about it, and afterwards sent his son up to receive and dispose of his; and my brothers-in-law, William Daylor and Isaac Sheldon, purchased most of the stock from both Hartnell and Salinas after division. There was not much grain to divide, it being chiefly consumed by the hands on the place. Said Daylor and Sheldon are both since deceased.

JOHN P. RHOADES.

Subscribed and sworn to before me on this 20th day of June, A. D. 1854.

PETER LOTT,
Commissioner for taking Testimony, &c.

Filed in office June 10, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 4, p. 612.

GEO. FISHER, *Sec'y.*

Deposition of Jno. Parker.

UNITED STATES LAND COMMISSION,
San Francisco, June 26, 1854.

On this day, before Commissioner Alpheus Felch, came John Parker, a witness in behalf of the United States, in case No. 228, in which Guillermo Eduardo Hartnell is claimant, who, after being duly
30 sworn, deposes as follows:

Questions by Mr. McKeene, law agent.

1st question. Please state your name, age, and place of residence.

Answer. My name is John Parker; my age, twenty-nine years; and I reside in Sacramento county, California, on the Cosumnes river.

2d question. Are you acquainted with the rancho sometimes called Hartnell's claim, situated on the south side of Cosumnes river, opposite the house formerly occupied by William Daylor? If yea, how long have you known it? What was its condition as to the occupancy and the character of the occupation? State the particulars.

Answer. I am acquainted with that rancho, and have known it since some time in the month of August, A. D. 1846. At that time a man by the name of Salinas lived on it. He lived in an adobe house, but had no family; he had a small corral on the place and some cattle and horses, which were branded "S. S.," and which he claimed as his own. There was a small garden fenced in near the house, and between the house and river; it was enclosed with brush fence, and contained about two acres of land. He had watermelons, a little corn, and some peas growing on it. There was also on the place a small field of eight or ten acres, in which there was some wheat growing. It was enclosed by a small ditch, but it was so small that a person could ride over it. Solinas did all the work on the ranch, with the aid of some Indians, and claimed the rancho as his own.

3rd question. Do you know where Mr. Hartnell lived from 1844 to 1846? and did he ever live on the rancho above mentioned?

Answer. He never lived on that rancho to my knowledge. He lived in Monterey from 1844 to 1847, to my knowledge.

4th question. What is the average distance from the Cos-
31 umnes river to Dry creek, and from the old pass to Sutter's, to the foot-hill of the Sierra Nevada mountains at the place where this ranch is situated?

Answer. It will average fourteen to sixteen miles from the Cosumnes to Dry creek at that place; and from the old pass to Sutter's it is somewhere in the neighborhood of forty miles to the foot-hills of the Sierra Nevada.

JOHN PARKER.

Subscribed and sworn to before me this twenty-sixth day of June, A. D. 1850.

Mr. Peachy attended to the taking of this deposition, put propounded no interrogatories to the witness.

ALPHEUS FELCH, *Com'r.*

Filed in office June 26, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B., vol. 4, p. 673 and 674.

GEO. FISHER, *Sec'y.*

Copy of the dep. of W. E. P. Hartnell.

Before the district court of the sixth judicial district.

WILLIAM D. WILSON
vs.
JOHN H. PASCAL.

Examination of William E. P. Hartnell, a witness on the part of he plaintiff, taken by consent of the attorneys, plaintiff's and de-

fendant's, before Richard H. Stanly, a notary public in and for the county of Sacramento, at his office in the city of Sacramento, on the thirteenth day of July, A. D. 1853, at 9 o'clock a. m.; at which examination, L. Aldrich, one of the attorneys for plaintiff, and J. H. McKerne, att'y, attended on the part of the defendants.

William E. P. Hartnell, being first duly sworn, testified as follows:

32 Paper "Exhibit A" shown witness, who testified it is a true and correct copy of an original grant or concession of lands made to him by the Mexican government at the time which it bears date; that the signatures attached to the original are genuine signatures; that he is very familiar with the handwriting of both of them; that the original grant was placed in the hands of Messrs. Halleck, Peachy & Billings, his attorneys at San Francisco, for the purpose of taking proceedings to procure the confirmation of the same before the commissioners. Some time during the year 1845 (the latter part I believe) I took possession of the land described in the grant, by sending a man there by the name of Sheldon, with some two hundred head of cattle.

He built a corral there for the cattle, and an adobe house which now goes by the name of Salinas. The corral was built by me, under an agreement with Sheldon that it should belong to me. Sheldon kept possession there from that time until some time after the gold was discovered in the State, over two years; and then it was so hard to keep the cattle that I was obliged to sell them off.

I took possession under the grant, and intended to avail myself of its privileges. I conveyed by deed a portion of the land mentioned in the grant to plaintiff on the 2d day of August, A. D. 1850, and another conveyance in the year 1853.

A map marked "Exhibit B" shown witness. Says that it is a correct copy of the map which accompanies his petition for the grant spoken of above, and that it was intended to designate the lands for which the grant was sought; that the point marked Rancho Dn. Hartnell was intended to designate the land which petitioner desired to have granted him; that this map accompanied the petition, and was presented with it.

There is a difference between the original grant and the copy "Exhibit A," in this: that the former is made upon sealed paper of the first class, of the value of eight dollars, which does not appear upon this copy; there is no difference in the grant itself, or in the language or words.

Cross-examination.

33 I am an Englishman. I arrived in this country in the year 1832. I didn't visit the lands described in this grant until 1847, personally. From 1822 to 1828 I was a merchant. Since 1828 I have been employed in several offices under the Mexican government—inspector general of the missions at Monterey; acting alcalde at Monterey at the time the grant was made. I don't recollect what business I was engaged in. I have lived at Monterey since 1828.

The consideration of the grant was nothing at all; paid eight dollars, the amount for the papers. I mean that I paid no money for the grant. I had never seen the land described in the grant at the time

it was made, nor for more than two years afterwards. I am now a citizen of the United States by treaty. I was naturalized under the Mexican government, before Echeanden, governor and commandant general, in the year 1836 or thereabouts.

The form was to renounce all allegiance to the British crown. The record was kept in the archieves of the government at Benicia.

By my agent I took possession of the grant the latter part of the year 1845. He built a corral and drove 200 head of cattle thereon for me, and allowed Salinas an adobe house, with the understanding that it should belong to me. I know that it was built on these terms from Solinas himself. It was built opposite Sheldon's mill, below Daylor's. That is all the improvements put on by me. The corral covered less than an acre. I can't tell precise number of acres. It was capable of containing 5 or 6 hundred head of cattle. The corral was built above Daylor's house, on the opposite side of the river. It was nearly opposite the old house occupied by Daylor, and Sheldon's ranch, granted him by Micheltorrena.

The first time I went on the land I staid there one night I never had judicial possession. I never asked for it I had the farm surveyed by W. T. Sherman, surveyor, United States army. The
34 survey is on records of Sacramento county. He surveyed it according to grant and information from the neighboring landholders. I procured it done, and paid for it myself. I gave the surveyor certified copies of the grants in the neighborhood, and did not see him survey it, or give him instructions.

I never asked any magistrate to designate the boundaries; I never placed landmarks on the grant before the 7th July, 1846, and none have been placed there since except by the surveyor.

The cattle belonged to me, and were driven up at my direction from my farm in the lower country, and kept there by Sheldon for me upwards of two years, until after the gold was discovered, and then I was forced to sell them, as parties were stealing them. The cattle were kept on that part of the grant now occupied by Wilson and Austin. I don't know whether Sheldon ever had judicial possession of his ranch. I don't know that it was marked out by an officer.

Without knowing Sheldon's rancho and boundaries of same, I do not know that they were any natural boundaries. I should not know by the description in my grant to locate the same; I would not know on the east nor the south where to start.

Before the grant taken, I took no other steps than to send in my petition. I presented two grants to the departmental assembly—one for five and this for eleven leagues—for their approval. They approved eleven leagues, and gave me choice where to locate it. I have not given any decision for the choice of the same. I am prosecuting a claim before the land commissioners for the whole 16 leagues. I intend to disregard the approval and prosecute for the whole, if I can get it.

The 5-league grant is in Santa Barbara county. I made the map (marked Exhibit A'') at the time of my petition. I made it from a rough sketch I found at Monterey. I believe the sketch was
35 made by Birdsall. The map is a fac simile of the original

map made by me in 1844, and is now in the archieves of the United States. The original map is now attached to the petition before the land commissioners appointed by the United States, or in the archieves. I had my Santa Barbara grant at the time I applied for the Cosumnes grant. When I put in my petition I was under the impression that no governor could grant more than eleven leagues, but subsequently changed my mind.

Micheltorrena granted me the eleven leagues, knowing at the same time that I had the five-leagues grant in Santa Barbara county. I never had any of my family residing on the Cosumnes grant. I got the grant for the purpose of speculation.

Redirect.

When I speak of not having selected the eleven leagues, I mean that I have not selected the whole on the Cosumnes. I have selected three portions, one on the Cosumnes, that I have conveyed to Wilson and others. I have not yet determined how many leagues to retain in Santa Barbara. I have selected them in my own conscience and by my acts in conveying the same to these parties. Papers shown witness, marked "Exhibits C, D, and E." Says they are true copies of the original petition and report of the secretary, now before the board of land commissioners, and the signatures are *fac similes* of the originals. The consideration of the grant, as set forth my petition, and my being the head of a large family and old resident of the country, and to sell it for the good of my family is what I mean by getting it for speculation.

W. E. P. HARTNELL.

Subscribed and sworn to before me this 13th day of July 1853.
R. H. STANLY,
Notary Public, Sac. Co.

36 STATE OF CALIFORNIA,
County of Sacramento:

I, Abner C. Hunter, clerk of the district court in and for the said county, hereby certify the within and foregoing to be a true copy of the original deposition on file with the papers in said case of Wilson *vs.* Pascall and Wells, in my office.

Given under my hand and seal of said court this 5th day of May, 1854.

ABNER C. HUNTER, *Clerk,*
[SEAL.] By C. C. COX, *Deputy.*

Filed in office July 20, 1854.

GEO. FISHER, *Sec'y.*

Before the district court of the sixth judicial district.

WILLIAM D. WILSON
vs.
JOHN H. PASCALL and RICHARD WELLS.

Examination of William E. P. Hartnell, a witness on the part of plaintiff, taken by consent of the attorneys, pl'ff. and deft's, before Richard H. Stanly, a notary public in and for the county of Sacramento, at his office in the city of Sacramento, on the 13th day of July, A. D. 1853, at 9 o'clock a. m.; at which examination L. Aldrich, one of the attorneys for plaintiff, attended, and J. C. McKeen, att'y, attended on the part of defendants.

W. E. P. Hartnell, being first duly sworn, testified as follows:

Paper marked Exhibit A shown witness, who testified it is a correct and true copy of an original grant or concession of land made to him by the Mexican government at the time which it bears date; that
37 the signatures attached to the original are genuine signatures; that he is familiar with the handwriting of both of them; that the original grant was placed in the hands of Messrs. Halleck, Peachy & Billings, his attorneys at San Francisco, for the purpose of taking proceedings to procure the confirmation of same before the commissioners appointed by government of the United States; and that it is either in their hands or on file among the papers before the commissioners.

Some time during the year 1845, (the latter part, I believe,) I took possession of the land described in the grant, by sending a man there by the name of Sheldon, with some two hundred head of cattle. He built a corral there for the cattle, and an adobe house, which now goes by the name of Salinos. The corral was built for me, and the house was built by Salinas, under our agreement with Sheldon that it should belong to me. Sheldon kept possession there from that time until some time after the gold was discovered in this State, over two years; and then it was so hard to keep the cattle that I was obliged to sell them off. I took possession under this grant, and intended to avail myself of its privileges. I conveyed by deed a portion of the land mentioned in the grant, to plaintiff, on the 2d day of August, A. D. 1850, and another conveyance in the year 1853.

A map marked Exhibit "B" shown witness. Says it is a correct copy of the map which accompanied his petition for the grant spoken of above, and that it was intended to designate the land for which the grant was sought; that the part marked "Rancho Dn. Hartnell" was intended to designate the land which petitioner desired to have granted him; that his map accompanied the petition and was presented with it.

Cross-examination.

I am an Englishman; I arrived in this country in the year 1822. I didn't visit the land described in this grant until 1847, personally. From 1822 to 1828 I was a merchant. Since 1828, I have been
38 employed in several offices under the Mexican government—inspector general of the missions; inspector of customs at

Monterey; acting alcalde at Monterey. At time grant was made I don't recollect what kind of business I was engaged in. I have resided at Monterey since 1822. The consideration of the grant was nothing at all; paid eight dollars the amount of the paper; I mean I paid no money for the grant. I had never seen the land described in the grant at the time it was made, for more than two years afterwards. I am now a citizen of the United States by treaty; I was naturalized under the Mexican government, before Echeanden, governor commandante general, in the year 1826, or thereabouts. The form was to renounce allegiance to the British crown. The record was kept in the archieves of the government; they were therein when I delivered up the archieves to the government at Benicia.

By my agent I took possession of grant the latter part of year 1845. He built a corral and drove 200 head of cattle thereon for me and allowed Solinas to build an adobe house, with the understanding that it should belong to me. I knew that it was built on those terms from Solinas himself. It was built opposite Sheldon's mill, below Daylor's. That is all the improvements put on by me.

The corral covered less than an acre. I can't tell precise number of acres. It was capable of containing 5 or 6 hundred head of cattle. The corral was built above Daylor's house on the opposite side of the river. It was nearly opposite the old house occupied by Daylor on Sheldon's ranch, granted him by Micheltorrena. The first time I went on the land I staid there one night. I never had judicial possession. I never asked for it. I had the farm surveyed by W. T. Sherman, surveyor, United States army. The survey is on records Sacramento county. He surveyed it according to the grant, and from information from the neighboring land-holders. I procured it done, and paid for it myself. I gave the surveyor certified copies of the
39 grant and other grants in the neighborhood, and did not see him survey it or give him instructions. I never asked any magistrate to designate the boundaries. I never placed landmarks on the grant before the 7th July, 1846, and none have been placed there since, except by the surveyor. The cattle belonged to me, and were driven up at my direction from my farm in the lower country, and kept there by Sheldon for me upwards of two years, until after gold was discovered, and then I was forced to sell them, as parties were stealing them. The cattle were kept on the part of the grant now occupied by Welson and Austin. I don't know whether Sheldon ever had judicial possession of his ranch. I don't know that it was marked out by any officer. Without knowing Sheldon's rancho, and the boundaries of the same, I don't know that they were only natural boundaries. I should not know by the description in my grant to locate the land. I would not know on the east nor the south where to start from to bound the land. Before the grant was taken I took no other steps than to send in my petition. I presented two grants to the departmental assembly—one for 5 and this for 11 leagues, for their approval. The approved eleven leagues, and gave me my choice where to locate it. I have not given any decision for the choice of the same. I am prosecuting claim before the land commissioners for the whole 16 leagues. I intend to disregard the approval, and prosecute for the whole of. I

can get the 5-leagues grant in Santa Barbara. I made the map (marked "Exhibit B") at the time of my petition. I made it from a rough sketch I found at Monterey ; I believe the sketch was made by Birdsall. The map is a *fac simile* of the original map made by me in 1844, and is now in the archieves of the United States. The original map is now attached to the petition before the land commissioners appointed by the United States, or in the archieves. I had my Santa Barbara grant at the —— I applied for the Cosumnes grant.

When I put in my petition, I was under the impression that
40 no governor could grant more than 11 leagues, but subsequently changed my mind. Mecheltorrena granted me the eleven leagues, knowing at the same time I had the five-leagues grant in Santa Barbara county. I never had any of my family residing on the Cosumnes grant. I got the grant for the purpose of speculation.

Redirect.

When I speak of not having selected the eleven leagues, I mean the whole on the Cosumnes. I have selected those portions on the Cosumnes river that I have conveyed to Wilson and others. I have not yet determined how many leagues to retain in Santa Barbara county. I have selected them in my own conscience, and by my acts in conveying the same to those respective parties. Papers shown witness marked "Exhibits C, "D, and E." Says they are true copies of the original petition and report of the secretary now before the board of land commissioners, and the signatures are fac similes of the originals. The consideration of the grant was as set forth in my petition, and my being the head of a large family and an old resident of the country, and to sell it for the good of my family is what I mean I getting it for speculation.

W. E. P. HARTNELL.

Subscribed and sworn to before me this 13th day of July, 1853. Witness my hand and official seal.

[SEAL.]

R. H. STANLY,
Notary Public, Sac. Co.

STATE OF CALIFORNIA,
County of Sacramento, ss:

I, A. C. Hunter, clerk of the district court in and for said county, hereby certify the within and foregoing to be a true copy of the original deposition on file in my office.

Given under my hand, and seal of court affixed, at office in
41 Sacramento city, this 17th day of July, 1854.

[SEAL.]

ABNER C. HUNTER, *Clerk*,
By C. C. COX, *Deputy*.

Filed in office July 10, 1854.

GEO. FISHER, *Sec'y*.

42 419.

Expediente promovido por Don Guillermo Hartnell en pretencion de un terreno por el Sacramento.

43 Sello cuarto. Dos reales.

Habilitado provisionalm'te por la aduana maritima del puerto de Monterey en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORRENA.

MONTEREY, *Nov.* 2 *de* 1844.

Inf'l el y año del despacho teniendo presente lo necesario al efecto.

MICHELTORRENA.

[SELLO.] EXMO. SOR: Guillermo Eduardo Hartnell, Mejicano por naturalizacion radicado en este territorio ha el mas de veinte y dos años casudo con hija del pais de quien ha tenido diez y siete hijos, ante V. E. con el mayor respeto comparesco y dijo. Que de seando proveer con el tiempo al establecimiento de mi numeroso familia y sabiendo que en las immidiaciones del Rio de los Cosumnes se halla un terreno valdio de bastanto amplitud, suplico à V. E. tenga la bondad de concederme el maximum que permito la ley á saber arce leguas cuadradas entendiendose que sus linderos deben ser por el Norte el Rio de los Cosumnes en frento del Sño. Sheldon, por el poniento el rancho del Sño. Anastacio Chaboya, por el sur las immidiacones del Arroyo de las Uvas y por el Ariento las de la Sierra Nevada segun esplica el diseño que accempaño P. T. A. V. E. suplico se sirva de cretao como llebo predido por ser de pesticia, proteslando ne proceder de malicia y lo necessario.

Monterey, 2 de Noviembre de 1844.

GUILL'MO ED'O HARTNELL.

EXMO. SOR: La persona que represento la presento instancia es acuedor à que se le atienda la gracia que solicita por ser veridici lo que manifestar en eu solicitud, lando por las meritos que ha
44 centraido en el pais como por hallarse el terreno valdio y en estado de poderse conceder.

Monterey, f'ha ut supra.

MAN'L JIMENO.

E. C. Micheltorrena general de brigade del ejercito Mejicano ayudante general de la plana mayor del mismo, gobernador, comandanto general i inspector del departmento de Californias:

Por cuanto D. Guill'o Ed'o Hartnell, Mejicano por naturalacion ha pretendido para su beneficio personal y el de su familia un terreno de la extension de once leguas cuadradas colindante por el norte con el Rio de los Cosumnes en frento del rancho de Don Joaquin Sheldon por el poniente con el rancho del Señor Anastacio Chabolla, por el sus con las immidiaciones del arroyo de las usus y por el oriente con las de la Sierra Nevada practicadas previam'te las diligencias y averi-

guaciones consemientes segun lo dispuesto por leyes reglamentos usando de las facultades que me son conferidos en nombre de la nacion Mejicano he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose á la aprobacion de la Exmo. Asamblea Departmental y bajo la condiciones siguientes.

1a. Podra cercarlo sin perjudicar las travecias caminos y servidumbres; lo disfrutara libre y esclusivam'te, destinandolo al uso y cultivo que mas le acomode, pero dentro de un año fabricara casa y estara habitado.

2a. Solicitará del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demacaron los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de algun utilidad.

3a. El terreno de que se hace donacion es de once sitio de ganado mayor. El juez que diére la posecion lo hara medir conforme á ordenanza quedando el sobrante que resulte para los usos que à la nacion le convengan.

4a. Si contraviniere á estas condiciones perdera su derecho al terreno sera denunciable por otro.

45 En consecuencia mando qe serviendole de titulo el presente y teniendo se por forme y valedero se tome razon de el en el libro respectivo y se entregue al interesado para su resguado y demas fines.

Dado en Monterey esto dia tres de Noviembre de mil ochocientos cuarenta y cuatro.

Queda tomada razon de este despacho en el libro respectivo á fagos 18.

Angeles, Mayo 16 de 1846.

Dado cuenta en sesion de hoy à la honorable asamblea con este expediente se mando pasar à la somision de terrenos valdios.

PIO PICO, *Pres'd't.*

AGUSTIN OLVERA, *S'rio.*

Con f'ha 13 de Abril del presento año se unio del dictamen de este espdt. al de Todas S'tos y S. Anto pr las razones qe alli expreso la comision qe un sotra pa constancia.

S. ARGUELLO.

(Here follows map, see original, page 45.)

46 OFFICE OF SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archieves of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the 8 preceding and hereunto annexed pages of tracing paper, numbered from one to eight,

inclusive, exhibit a true and accurate copy of a certain document now on file and forming a part of the said archieves in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city, of San [SEAL.] Francisco, this twenty-first day of February, 1854.

JOHN C. HAYS,
U. S. Surveyor General for California.

Filed in office Feb'y 25th, 1854.

GEO. FISHER, *Sec'y.*

47 *Translation of espediente.—"Cosumnes," J.*

MOST EXCELLENT SIR:

William Edward Hartnell, a Mexican by naturalization, radicated in this territory for more than twenty-two years, married to a daughter of the country, by whom I have had seventeen children, with the gravest respect appear before your excellency and say, that wishing to provide in time for the establishment of my numerous family, and knowing that in the vicinity of the river Cosumnes there is a vacant tract of land of considerable extent, I request that your excellency will have the goodness to grant me the maximum which the law allows, to wit: Eleven square leagues, it being understood that the boundaries be, on the north the river Cosumnes, in front of the rancho of Mr. Sheldon; on the west the rancho of Señor Anastacio Chaboya; on the south the vicinity of Dry creek, (arroyo de los Uros;) on the east the vicinity of the Sierra Nevada—appears by the plat which accompany.

I therefore request that your excellency will be pleased to decree as I implore, it being justice, protesting not to act through malice, and that which is necessary.

MONTEREY, *November* 2*d*, 1844.

The government secretary will report, bearing in mind that which is necessary to the effect.

(Signed) MICHELTORRENA.

MOST EXCELLENT SIR:

The person who represents the present petition is entitled to be attended to in the favor which he solicits, it being true what he manifests in his petition, as well for the merit which he has acquired in the country as because the land asked for is vacant and in a state to be granted.

Monterey, date as above.

(Signed) MANUEL JIMENO.

(Here follows a copy of the title.)

ANGELES, *March* 16, 1846.

48 This espediente having been laid before the honorable assembly in to-day's session, it was ordered to be referred to the committee on vacant lands.

(Signed) PIO PICO.
(Signed) OLIVERA, *Secretary.*

On the 13th of April of the present year, the report on this espediente was united to that of Todas Santas and San Antonio for the reasons therein expressed by the committee, which I note in testimony.

(Signed) S. ARGUELLO.

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

49 Espediente promovido por Don Guillermo Eduardo Hartnell, en solicitud del parage llamado "Todas Santos," 1841. Numero 252.

50 Sello tercero dos reales. Habilitado provisionalm't. por la aduana maritima del puerto de Monterey en el departamente de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA OSIO.

JIMENO.

[SELLO.] MONTEREY, 23 *Junio*, 1841. Pase esta instancia á informe del mayordomo encargado de la mision de Sta. Ines pa que informe si el terreno que se solisite se halla valdio y en estado de ajudicarso en propiedad al interesado y si esta concecion no resultara en perjuicio notorio de la mision immidiato de la Purissima á la que ha pertenecido el paraje mencionado.

ALVARADO.

EXMO. SEÑOR: Guillermo Eduardo Hartnell, con el mayor respeto ante V. E. compareco y dice, que teniendo una familia muy numeroso y no presentando en la actualidad mayor seguridad para la cria de gana mayor, el paraje que á la vez ocupa llamado Patrocenio á causa de los robos continuos que desde mucho tiempo otros se estaro haciendo: se ve en la precision de solicitar de la bondad de V. E. le conceda otro sitio competente para mantener con de cencia y con seguridad su d'ho dilatada familia, y teniendo noticia que en las immidiaciones de la mission de la Purissima hayen sitio aproposito para sus muras llamado Todos Santos (cuyo deseño acompaña) que hacho mucho tiempo se ha considerado como valdio pues de algunos años a este parto el unico uso que ha hecho la mision del paraje en cuestion ha sido (mas sin necesidad) para mantener alguna que otra manada de Caballado, pues es notario que no se ha ocupado en mucho tiempo ni para cria de ganado vacumo ni tieno ahora necessidad alguna ocupado por suyo motivo me lisinjeo que previalos informes que estimo conviniente tomar no tendra V. E. embarneyo alguno en concederme lo puesto que son eltra concesion en nada se perjudicar un los intereses de la mision á que pertenese.

51 Por tanto a V. E. rendidam't. suplico sirva decretar favorablemto. a esta mi solisitud con le que recibiro merced y gracia, protestando no proseder de malicia y lo necesario.

Monterey, 23 de Junio de 1841.

GUILL'O ED'O HARTNELL.

El paraje llamado Todos Santos pertenec'te á la Purissima por quien devo informar estoy satisfecho, se halla valdio pues dicha mision no tieno ningunos bienes y si si que no mas esta una munada: esto es lo

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que devo decio sobre el particular.—Somta (sello tercero dos reales.)—Habilitado provicionalmte. por la aduana maritima del puerto de Monterey en el department de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MARIA ASIO.
MIGL. CORDEN.

JIMENO.

Ines, Agosto 10 de 1841.

[SELLO.] Sello tercero, dos reales. Habilitado provisionalmt. por la aduana maritima del puerto de Monterey, en el department de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

ANTONIO MA. OSIO.

[SELLO] MONTEREY, 28 de 1841. Como le pide esta parte de vuelva silo el expedt. para que reformo el diceno compliandoto en los tevmenos que necesite.
ALVARADO.

EXMO. SEÑOR: Guill'mo Ed'o Hartnell con el debido respeto ante V. E. comparece y dico. Que despues de haber presentado á V. E. la instancia que hico en 23 de Junio en este año sobre el paraje de Todos Santos has subido que otra paraje es muy insignificanto por si solo pero que con la ayuda del rancho abandonado de San Antonio que esta situada en su immidiacion
51 formana un sitio de alguna consideracion en cuyo concepto suplica á V. E. tengo la bondad de de volverle el deseño quo tieno presentado para reformarla agregandolo otro rancho de San Antonio en la persuacion que merecera de su bondad el favor de que se le de el titulo de todo el terreno conocido por de Todas Santos y San Antonio, compliando el ultima paraje hasta la playa. P. T. A. V. E. encarecidamento mejo, se sirva decretar como tengo perdido con lo que recibire merced y gracia protestando no proseder de malicia y lo necesario.

Monterey, 28 de Agosto de 1841.

GUIL'O ED'O HARTNELL.

MONTEREY, *Agosto* 28 *de* 1841.

Vista la peticion con que da principio esto espd'e en informo del encargado del establecimiento de Santa Ines con todo lo demas que se tulo prest'l y ver comnio, de comformidad con las leyes y reglamentos de la materia, declarà a D'n Guillermo Eduardo Hartnell, dueño en propiedad del paraje conocido con el nombre de Todas Santos unido con el de San Antonio, colindante al O con las Alamos, al P con la Playa de San Ant. al S. con la cuesta de la Purissima y al N. con a llano de la Larga. Libre el correspond'te despacho tomese razon en el libro respectivo y dirijase este esped't à la ex'ma junta department para su aprobacion. El S'r D'n Juan B. Alvarado, gobernador del department de las Californias asi lo mando y firme de que doy feé.

ALVARADO.

(Here follows map. See original, page 52.)

53 ANGELES, *Marzo* 16 *de* 1846.

Dado cuenta sesion de hoy á la honorable asamblea con esta expediente se mando pasea à la comision de terreno valdios.

PIO PICO, *Pres'd't.*
AUGISTEN OLVERA, *S'rio.*

Esp'd'te, continued.

EXMO. SEÑOR: La comiscion de terrenos valdios se ha impuesto con detenimiento al presente esped'te promovido p'r el Mejicano p'r naturalisacion D. Guillermo E. Hartnell relativo al paraje Todos Santos y S. Antonio, que le fue concedido p'r el gobernio departmental con f'ha 28 de Ag'to de 1841, segun consta en el ult'mo decreto y en el q'e no consta los citios que le fueron concedidos.

Por otra parte le parece conviniente á la comision hacer referencia en esto dictamen que se le ha pasado, otra esped'te que ha examinado igualmente y en el q'e advierto se le concedia a d'ho Sor. Hartnell p'r el gob'rno departamental con f'ha 3 de 9 ve. de 1844, and Rio de los Cosumnes once sitios de ganado mayor; permitarme por lo espuesto V. E. una en este dictamen los dos espedientes marcados No. 252 y 419, para la mejor intelligencia y q'l como la comision entiende q'e el maximun que permite la ley son once sitios los que tiene concedidos el interesado en el Rio Cetado de los Cosumnes p'r el Sacramento se en cuenta q'l no save los q'e tendra concedidos en Todas Santos y S. Antonio unidas para poder discha minar lo conveniente en este concepto pone á la deliberacion á V. E. las siguientes proposiciones.

1a. Que por el conducto respectivo se pida Sor. Hartnell titulo de concession del paraje de Indas Santos y San Antonio p'a sara los sitios que en este termino la concedio el gobierno departmental.

2a. Que en contrardase se le concedio igualmente en el Rio de los Cosumnes p'a el Sacramento. Once sitios de ganado mayor,
54 maximum q'r concede la ley, la H. Asamblea solo puede aprovar lo que esta dispone; para que á vista de este acuerdo solicite el interesado el que le paresco mus conviniente. Sala de seciones comisiones en la ciudad de Los Angeles, Abril 13 de 1846.

Angeles, Abril 22 de 1846.

La ex'ma asamblea departmental en sesion de hoy aprobalos dos proposiciones del presidente dictamen de la comision respectivo.

PIO PICO.

AUGUSTIN OLIVERA, *D. S.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of Calafornia, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the 11 preceding and hereunto annexed

pages of tracing paper numbered from one to eleven inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, Cal., this twenty-first day of February, 1854.

[SEAL.] JOHN C. HAYS,
U. S. Su'y'r General for California.

Filed in office Feb'y 25, 1854.

GEO. FISHER, *Sec'y.*

55 *Translation of expediente.—Todas Santos y San Antonio.*

MOST EXCELLENT SIR: William Edward Hartnell, with the greatest respect, appears before your excellency and says that having a very numerous family, and the place which he at present occupies, called Patroceno, not now presenting sufficient security for the breeding of cattle, on account of the continued robberies, which, for a long time past, having been taken place, he finds himself under the necessity of requesting that your excellency would have the goodness to grant him another competent spot whereon to maintain with decency and safety his said numerous family; and being informed that in the vicinity of the mission of La Purissima, there is a place adopted to his views called "Todos Santos," (the plot which accompanies,) which for a long time passed has been considered as vacant, since for some years past the only use which the mission has made of the place in question has been (and that without necessity) for one or two droves of breeding mares, for it is notorious that it has not been occupied for a long time, neither for agricultural purposes nor for breeding cattle.

I therefore flatter myself that after your excellency makes the necessary inquiries, you will have no objection to grant it to me, since by so doing the interest of the mission to which it belongs will not in any way be injured.

I therefore humbly request that Y. E. will be pleased to put a favorable decree to this my petition, whereby I shall receive a great favor, protesting not to act through malice and that which is necessary.

Monterey, 23d June, 1841.

(Signed) WILLIAM EDW'D HARTNELL.

MONTEREY, *June* 23*d*, 1841.

This petition is referred to be reported upon by the mayordomo in charge of the mission of Santa Inez, in order that he may inform whether the land asked for be unoccupied and in a situation to
56 be adjudicated in ownership to the party interested, and whether the grant will not materially injure the neighboring mission of La Purissima, to which the land mentioned belongs.

(Signed) ALVARADO.

The place called Todas Santos belongs to the mission of La Purisima, in relation to which I must say that I am satisfied that it is entirely unoccupied, since said mission has no cattle (beeves) except one drove of breeding mares. This is what I have to say on the subject.

Santa Ines, August 10th, 1841.

(Signed) MIGUEL CORDERO.

MOST EXCELLENT SIR: William Edward Hartnell, with due respect, appears before your excellency and says that after having presented to Y. E. the petition which he made on the 23rd of June, of this year, respecting the place of Todos Santos, he has learned that said place alone is very insignificant, but by the help of the abandoned rancho of San Antonio, which is situated in its vicinity, it would form a place of some consideration, on which account he requests that your excellency would have the goodness to return him the plot which he has presented, in order to amend it by adding thereto the rancho of San Antonio, under the persuasion that he will obtain from your bounty the favor of granting unto him the title of the whole land known as Todas Santos, and San Antonio, extended, the last-mentioned place to the beach.

I therefore respectfully pray your E. be pleased to decree as I desire, whereby I shall receive a great favor, protesting not to act through malice, and that which is necessary.

Monterey, 28th August, 1841.

(Signed) WM. EDW. HARTNELL.

MONTEREY, 28*th*, 1841.

57 As the party requests, let the expediente be returned to him in order that he may amend the plot by extending it in the terms which he indicates.

(Signed) ALVARADO.

MONTEREY, 28 *August*, 1841.

In view of the petition which commences this expediente, the report of the person in charge of the mission of Santa Ines, and all the rest which was born in mind and was necessary to examine in conformity with the laws and regulations on the subject, I declare Mr. William Edward Hartnell to be the rightful owner of the place known by the name Todos Santos, united to that of San Antonio, bounded on the east by Los Antonio, on the south by the hill of Purisima, and on the north by the plan of La Laya.

Let the corresponding title be made out, be recorded in the respective book, and let this expediente be forwarded to the most excellent departmental junta for its approval. Señor Don Juan B. Alvarado, governor of the department of the Californias, did thus command, decree, and sign. Whereof I give testimony.

(Signed) ALVARADO.

ANGELES, *March* 15*th*, 1846.

This espediente having been presented to-day to the honorable assembly, it was ordered to be referred to the committee on vacant lands.

(Signed) PIO PICO, *Pesident.*

" AUGUSTIN OLIVARO, *Secretary.*

MOST EXCELLENT SIR: The committee on vacant land has carefully examined the present expediente, commenced by the naturalized Mexican, William E. Hartnell, respecting the place of Todos Santos and San

Antonio, granted to him by the departmental government, on the 28th of August, 1841, as appears by the last decree, in which it is not expressed how many square leagues (sitios) were granted to him. The committee likewise consider it proper to refer in this opinion to another expediente presented to them, which they have likewise examined, and in which they find that the departmental government granted to said Hartwell, on the 3d of November, 1844, eleven square leagues on the river Cosumnes. Your excellency will therefore permit me to write in this opinion the two expedientes marked No. 252 and 419, for greater, and, as the committee understands, that the maximum which the law permits is eleven square leagues, the quantity granted to the party interested on the river Cosumnes, and as it is known what quantity may have been granted to him in Todos Santos and San Antonio united, in order to report correctly, they therefore offer to the deliberation of your excellency the following propositions:

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1st. That Mr. Hartnell be by the proper authorities asked for the title of the grant to the place of Todos Santos and San Antonio, in order to find out how many square leagues of land the departmental government granted to him in said land.

2d. That it be found that eleven square leagues have been likewise granted to him on the Cosumnes, in the neighborhood of the Sacramento, the maximum of which the law allows, (the assembly can only approve what the law commands,) so that, in view of this resolution, the party interested may apply for the approval of the land which may suit him best.

Committee chambers, in the city of Los Angeles, April 13, 1846.

(Signed) S ARGUELLO.

ANGELES, *April* 22*d*, 1846.

The most excellent departmental assembly in to-day's session approved the two propositions of the foregoing report of the respective committee.

(Signed) PIO PICO.

(Signed) AUGUSTIN ALVARA,
Member of the Assembly, and Secretary.

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

59 *A.—Todas Santos y San Antonio.—Copy of title.—Doc. H. I. T., No. 1 to depo. of Man'l Jimeno.*

Sello 1°, seis pesos.

Habitado provisionalm'te por la aduana maritima de Monterey para los años de 1839 y 1840.

{ Custom-house seal. } Juan B. Alvarado, gobernador constitucional del departam'te de las Californias:

Por cuanto D'n Guillermo Hartnell ha pertendido para su beneficio personal y el de su familia el paraje conocido con el nombre de Todas

Santos unido con el de S'n Antonio, colindante al oriente con Las Alamos, al poniente con la playa de San Antonio, al sur con la cuesta de La Purisima y al norte con el Llano de la Largo practicadas previamente las diligencias y aberiguacione con cuments segun lo dispuesto por leys y reglamentos, usando de las facultades que meson conferidos á nombre de la nacion Mejicana he venido en concederle los terrenos mencionados declarandole la propiedad de el por los presentes letras sugetandose á la aprovacion de la ex'ma junta departam'e y á las condiciones siguientes:

1a. Podra sercalo sin perjudicar las travecias caminos y servidumbres; lo disfrutara libre y exclusivam'to destiandole al uso y cultivo que mas le acomode pero dentro de un año fabricará casa y estara habitada.

2a. Solicitara del juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demacaron los linderos en cuyos limites pondra á mas de las mojoneras algunas arboles frutales ó silvestres de algun utilidad.

3a. El terreno de que se hace mencion es de cinco sitios de ganado mayor poco mas ó menos segun esplicar el deseño que corre en el esped'e. El juez que diere la posecion lo hara medir conforme á ordenanza dejando el sobrante que resulte á la nacion para los usos convinientes.

4a. Si contraviniere á estas condiciones perdera su derecho al terreno y seri denunciable por otro.

En consecuencia mando que teniendose por forme y valedero
60 este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a veinte y ocho de Agosto de mil ochocientos cuarenta y uno.

(Signed) JUAN B. ALVARADO.
(Signed) MAN'L JIMENO, *S'rio.*

Queda tomado razon de este despacho en el libro de acuntos sobre ajudicacion de terrenos valdios a pa. 6 vuelta.

(Signed) JIMENO

El ex'mo señor gobernador has dispuesto se tome razon de este consecion en la prefectura del s'do distrito.

(Signed) JIMENO.

Queda tomado razon del presente titulo en el libro respectivo llevado en la prefectura del 2o. distrito a f. 2 v'ta.

Angeles, Obe 19 de 1841.

(Signed) NACISSO BOTELLO, *S'rio.*

Filed in office June 10th, 1852.

GEO. FISHER, *Sec'y.*

Translation of title "B."—"Todos Santos," "San y Antonio."

Seal of the first class, six dollars.

Authorized provisionally by the maritime custom-house of Monterey for the years 1839 and 1840.

(Signed) ALVARADO.
(Signed) ANTONIO MARIA OSIO.

Made valid for the years 1840 and 1841. { CUSTOM-HOUSE SEAL. }

(Signed) ANTONIO MARIA OSIO.

Juan B. Alvarado, constitutional governor of the department of the Californias:

61 Whereas William Edward Hartnell has solicited, for his personal benefit and that of his family, the place known by the name "Todos Santos," joined to that of San Antonio, bounded on the east by the Los Alemos, on the west by the beach of San Antonio, on the south by the hill of La Purissima, and on the north the plain La Larga, the necessary steps and regulations having been previously taken and made in conformity with the requirements of laws and regulations, I have, in virtue of the powers conferred upon me, granted to him, in the name of the Mexican nation, the said lands, declaring unto him the ownership thereof by these present letters, subject to the approval of the most excellent departmental junta, and to the following conditions:

1st. He may fence it in without prejudice to the crossings, roads, and privileges; he shall enjoy it freely and exclusively, destining it to the use and cultivation which may best suit him, but within one year he shall build a house, and it shall be inhabited.

2d. He shall request the respective justices to give him juridical possession in virtue of this title. Said magistrate shall designate the boundaries, at the limits whereof the grantee shall, besides placing the landmarks, plant some fruit trees or wild ones of some utility.

3d. The land whereof mention is made consists of five square leagues, (cinco sitios de ganado mayor,) a little more or less, as appears by the plot which accompanies the expediente. The justice who gives possession shall cause it to be measured according to law, leaving the surplus which may result to the nation.

4th. If he transgresses these conditions, he shall forfeit his right to the land, and it may be denounced by another. I consequently command that, holding this title to be firm and valid, it is recorded in the respective book, and delivered to the party interested for his security and further ends.

Given in Monterey, on the twenty-eighth of August, eighteen hundred and forty one.

62 (Signed) JUAN B. ALVARADO.
(Signed) MANUEL JIMENO, *Secretary*.

This title has been recorded in the book of entries, respecting adjudications of vacant lands, on the back of folio 6.

(Signed) JIMENO.

His excellency the governor has commanded this grant to be recorded in the office of the prefect of the 2d district.

(Signed) JIMENO.

A record of the present title has been made in the respective book kept at the office of the prefect of the second district, at the back of folio 4.

Angeles, October 19th, 1841.

(Signed) NARCISO BOTELLO.

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

"*C.*"—*Todos Santos y San Antonio.—Copy of juridical possession.*

Sello tercero. Dos reales.

Habitado provisionalm'te por la aduana maritima del puerto de Monterey, en el departemento de las Californias, para lost años de mil ochocientos cuarenta y mil ochcientos cuarenta y uno.

(Signed) JIMENO.

(Signed) ANTONIO MARIA OSIO.

{ Custom-house seal. } SÑ'R JUEZ DE PAZ:

Guillermo Eduardo Hartnell ante V. comparece y dice: Que habiendo obtenido la concesion propia de los dos
63 parajes conocidos con los nombres de Todos Santos y de San Antonio, ocurr á V. para que se sirva darle la posesion juridica conforme esta prevenido en los articulos 2o y 3o del titulo de d'ho terreno que se espidio en 28 de Agosto del año presente que debidermente acompano. Por tanto A. V. suplico se sirva ponerme en la posesion que solicito, con lo que recibire justicia, &c.

Santa Barbara, 28 de Sept'e de 1841.

(Signed) GUILL'O ED'O HARTNELL

SANTA BARBARA, 28 *de Setiembre de* 1841.

En virtud de la antecedente solicitud procedarse por mi el presente juez á la midicion señalamiento de linderos y posesion judicial que solicita el interesado en este esped't señalandose para ejecutarlo el dia cuatro de Octubre del corriente año para lo que se sitaron con boleta de comparendo á las colindantes; asi yo el mencionado juez lo decreto mande y firme con los testigos de assistencia con quienes actuo por receptoria á falta de escribano publico. Doy feé.

(Signed) FERNANDO TICO.

De assistencia: (Sig'd) HENRIQUE MELLUS.

De assistencia: (Signed) JOSÉ AM'T HUERTA.

En la f'ha presente D. Guillermo Ed'o Hartnell, se le notifico el certo antecedente y de el enterado dijo, lo oye que se daba por citado y lo firmo conmigo y testigos de asistencia.

(Signed) FERNANDO TICO.
(Signed) GUILL'MO ED'O HARTNELL.
De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: J. A. HUERTA. (Signed.)

En la misma f'ha se citacion las boletas de como se mandar en el antecedente autor y para que conste lo rubrique.

(Signed) [The Alcalde's Flourish.]

En el rancho de Todas Santos á los cuatro dias del mes de Octubre de mil ochocientos cuarenta y uno en cumplimiento del auto del 28 del mes pasado concurrieron los ciudadanos José Ant'o de la Guerra, como apoderado de la mision de La Purisima é igualm'te como colindante de este rancho; Francisco Olivera, como apoderado de su padre Lucas Olivera; José Maria Valenzuela y Antonio Olivera, co-
64 lindantes del rancho de San Antonio y citados para la midicion, señalamiento de linderos y posesion, nombre por medidores á los indigemos Quentin y Cumilo, quienes previa la acceptacion y juramento prosedan al desempeño de su encargo. Asi yo el otro juez lo decreto mande y firmo con los testigos de assistencia.

(Signed) FERNANDO TICO.
De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: (Signed) J. A. HUERTA.

En la f'ha se les notifico el anto que antecede a los colindantes y entendidos dijeron. Que lo oyen y formarion conmigo y los testigos de asistencia.

(Signed) JOSE A. DE LA GUERRA Y CARILLO.
(Signed) PICO.
(Signed, ruego de Francisco Olivera,)
JOSE A. DE LA GUERRA Y CARILLO.
(Signed) AM T'R OLIBERA.
(Signed) JOSE M'A VALENZUELA.
De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: (Signed) J. A. HUERTA.

En la misma f'ha y en el espresado rancho se le notifico el auto en el que aparecen nombrados medidores á los ciudadanos Quentin y Cormilo y entredidos dijeron. Que aceptora y aceptaban otro encargo y juaron por dios ntro señor y la señal de la Santa Cruz de usarlo fiel y legalmente á todo su leal saber y entender sin dalo ó fraude contra persona alguna y por no saber formar hicieron ambos una Cruz y firmé yo con los testigos de asistencia.

(Signed) FERNANDO TICO.
(Signed) QUENTIN.
(Signed) CARMILO.
De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: (Signed) J. A. HUERTA.

Incontinente yo el referido juez mandé trace a mi presencia el cordel con que se han de medir las tienes y que los medidores lo midean de cien varas y lo forme con los de assistencia.

(Signed) FERNANDO TICO.

De ass'a: (Signed) HENRIQUE MELLUS.
Ee ass'a: (Signed) J. A. HUERTA.

En la misma f'ha en presencia de mi el referido juez, los espre-
65 sados mididores tomaron un cordel de mecate y con una vara Mejicana de medir tomandole de la mano midieron cien varas para hacer la referida medicion y para constarlo rubrique.

(Signed) [The Alcalde's Flourish.]

En la misma f'ha y en el misma rancho siendo los diez de la mañana yo el presente juez mande á los medidores nombrados se pongan para la medicion que se ha de hacer del terreno comprendido en los dos ranchos de Todos Santos y San Antonio para que el mencionado, D. Guillermo Eduardo Hartnell tome posescion de el y parados en la cuchilla alta del camino real de la cuesta de La Purisima para San Antonio empezaron la midicion tomando el rumbo norte ¼ al este hasta la cumbre del parage llamado Los Pinos; en donde habiendo llegado dijeron haber ciente cincuenta y seis cordeles. Desde este punto rumbo al Q. O. hasta el barranco de San Marcos pronto al corral, viejo se midieron ciento y treinta cordelles; desde otro barranco rumbo al S. S. E. hasta la punta de la loma de San Francisco en donde rematala cañada de San Antonio se midieron ciento y quince cordelles; desde este ultimo punto hasta la cuchilla desde donde comenzaron las mediciones se calcularon setentá y cinco cordeles.

Habiendose concluida esta medicion resuelto haber como cinco sitios de ganado mayor algo mas, y habiendo hecho el señalmiento de linderos en la cuchilla de la cuesta de la provisima; en la punta baja de la lomita que esta á la derecha de la salida de la cañada de la cuesta, camino para Los Alamos; en la cumbre de los pinos en el barranco de San Marcos; y en la loma de San Francisco mandé formaron mojoneras y para constancia lo firme por auto los testigos de assistencia.

(Signed) FERNANDO TICO.

De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: (Signed) J. A. HUERTA.

En la misma f'ha yo el indicado juez mandé que en vista de haberle medido el terreno y haberse hecho el señalmiento de linderos
66 en la cuchilla de la cuesta de La Provisima; en la punta baja de la lomita que esta á la derecho de la salida de la cañada de la cuesta, camino para Los Alamos, en la cumbre de los pinos, en el barranco de San Marcus y en la loma de San Francisco mande formaron mojoneras y para constancia lo firme por aute los testigos de assistencia.

(Signed) FERNANDO TICO.

De ass'a: (Signed) HENRIQUE MELLUS.
De ass'a: (Signed) J. A. HUERTA.

En la misma f'ha yo el indicado juez mando que en vista de haberle medido el terreno y haberse hecho el señalmiento de linderos se ponga en posesion juridica al Señor D. Guillermo Eduardo Hartnell y notifiquesele á los colindantes y firme por auto los testigos de assistencia.

(Signed) FERNANDO TICO.

De assa: (Signed) HENRIQUE MELLUS.
De assa: (Signed) J. A. HUERTA.

En la f'ha se les notifica á los colindantes, José Antonio de la Guerra como apoderado y encargado de la mision de la Purisima y como dueño del rancho de Los Alamos, Francisco Olivera, apoderado de su padre Lucas Olivera, José Maria Valenzuela y Antonio Olivera el auto anterior y entendidos dijeron que lo oyen y formaron conmigo y los testigos de assistencia.

(Signed) TICO.
(Signed) JOSÉ A. DE LA GRA. Y CARILLO.
(Signed, a ruega de Francisco Olivera,)
JOSE A. DE LA GUERRA Y CORILLO.
(Signed) JOSE MARIA VALENZUELA.
(Signed) ANTONIO OLIVERA.

Deassa: HENRIQUE MELLUS. (Signed.)
Deassa: J. A. HUERTA.

En el rancho de Todos Santos siendo como á las seis de la tarde del misma dia, mes y año, el Sor. D. Guillermo Eduardo Hartnell, vecino de Monterey, acompañado del juez y testigos con animo segun dijo de tomar la verdadero corporal y real posesion del espresado terreno de los dos parajes de Todos Santos y San Antonio por
67 haberle pertenecido con justos titulo que obtuvo del gobernio politico de este departmento con f'ha de 28 de Agosto del presento año entre y paseo por d'ho terreno, arranco yerbas, espacio puñadas de tiena, rompio ramas de arboles é hizo otros ceremonias de verdadera posecion en señal de lo que dijo tomar y que tomaba de otras tierras y mande ye el citado juez que desde entreces le tuviesen y reconociese al mencionado Sor. Hartnell por verdadero dueño, señor y poseedor de ellas. De todo lo referido pidio el repetido Sor. Hartnell que para memoria en lo venidero y coservacion de sus derechos por mi el juez, le fuese estendida una constancia lo que asi fue autorizado siendo testigos de asistencia los Señores Henrique Mellus, José Antonio Huerta, con quienes actuo en receptoria a falta de escribano publico que no lo hay segun derecho doy fé.

(Signed) FERNANDO TICO.

De assist:
(Signed) HENRIQUE MELLUS.
(Signed) J. A. HUERTA.

En la f'ha se de vuelve esto espediente el interesado con ocho fojos utiles y para constancia lo rubrique.

(Signed) [The Alcalde's Flourish.]

Filed in office June 10th, 1852.

GEO. FISHER, *Sec'y.*

68 *Translation of jud. possession.—"D."—Todos Santos y San Antonio.*

Seal of the third class, two reals.

{ CUSTOM-HOUSE SEAL. } Authorized provisionally by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years eighteen hundred and forty and eighteen hundred and forty-one.

SEÑOR JUSTICE OF THE PEACE: William Edward Hartnell before you appears and says that having obtained the proper grant of the two places known by the name of Todos Santos y San Antonio, he applies to you to give him judicial possession, in conformity with the requirements of the 2d and 3d articles of the title; said land granted on the 28th of August of the present year, which duly accompanies.

I therefore request that you would be pleased to put me in possession which I require, whereby I shall receive justice.

Santa Barbara, 28th Sept., 1841.

(Signed) WM. EDW'D HARTNELL.

SANTA BARBARA, 28*th September*, 1841.

In virtue of the foregoing petition, let me, the present justice, proceed to the most convenient designation of boundaries and judicial possession, which the party interested asks for in this expediente, appointing for carrying it into effect the fourth day of October of the present year, to which end the neighboring land-owners shall be summoned. Thus I, the said justice, did decree, command, and sign, with the attesting witnesses, with whom I act as judge delegate, (receptoruer,) for want of a notary public.

I give testimony.

(Signed) FERNANDO TICO.

Assisting witnesses:

(Signed) HENRY MELLUS.
(Signed) JOSÉ ANTONIO HUERTA.

On the same date, William Edw. Hartnell being present, the foregoing decree was notified to him, who, being made acquainted
69 therewith, said that he heard it and considered himself as summoned, and signed with me and attesting witnesses.

(Signed) FERNANDO TICO.
(Signed) WM. EDW. HARTNELL.

Assisting witnesses:

(Signed) HENRY MELLUS.
(Signed) JOSÉ ANTONIO HUERTA.

On the same date the summonses commanded in the foregoing decree were despatched. In testimony whereof I signed with my flourish.

(Signed) [The Alcalde's Flourish.]

In the rancho of Todos Santos on the fourth day of the month of October, eighteen hundred and forty-one, in compliance with the decree of the 28 of last month, citizen José Antonio de la Guerra, as agent for the mission and likewise as adjoining land-owner; Francisco Olivera, as agent for his father, Lucas Olivera; José Maria Valenzuela and Antonio Olivera, owners of land adjoining San Antonio, and cited for the measurement, designation of boundaries, and possession, appeared. I appointed as measurers, the native Indians, Quentin and Carmelo, who, on taking oath, will proceed to exercise their functions.

Thus I, the said justice, did decree, command, and sign, with the assisting witnesses.

(Signed) FERNANDO TICO.

Assisting witnesses:

(Signed) HENRY MELLUS.
(Signed) JOSE ANTONIO HUERTA.

On the same date the foregoing decree was notified to the adjoining land-owners, who, being made acquainted therewith, said that they heard it and signed it with me and the assisting witnesses.

(Signed) PICO.
(Signed) JOSE ANTONIO DE LA GUERRA Y CARELLO.
(Signed, at the request of Francisco Olivera,)
JOSE A. DE LA GUERRA Y CARRELLO.
(Signed) JOSE MA. VALENZUELO.
(Signed) ANTONIO OLIVERA.

Assisting witnesses.

(Signed) HENRY MELLUS.
(Signed) JOSE ANTONIO HUERTA.

On the same date and in the said rancho, the decree wherein citizens Quentin y Camela are appointed measurers, was notified to
70 them, who, having understood it, said that the accepted and did accept said said appointment, and swore by the God our Lord and the sign of the holy cross to comply faithfully and legally to the best of their knowledge and ability, without deceit or fraud against any person. And as they did not know how to sign, tney both made their cross, and I signed with the assisting witnesses.

(Signed) FERNANDO TICO.
QUENTIN.+
CARMELO.+

Assistant witnesses:

(Signed) HENRY MELLUS.
(Signed) JOSE ANTONIO HUERTA.

Immediately afterwards I, the said justice, commanded the cord wherewith the lands are to be measured, to be brought into my presence, and that the measurers should measure off one hundred varas, and signed, with the assisting witnesses.

(Signed) FERNANDO TICO.

Assisting witnesses:

(Signed) HENRY MELLUS.

(Signed) JOSE ANTONIO HUERTA.

On the same day, in the presence of me, the said justice, the said measurers took a hempen cord, and taking a Mexican vara rod in their hands, measured off a hundred varas to make the said measurement with. In testimony whereof, I sign with my flourish.

(Signed) [The Alcalde's Flourish.]

On the same date and in the said rancho, it being ten o'clock in the morning, I, the present justice, commanded the measurer appointed to place themselves for the measurement to be made of the land comprehended in the two ranchos of Todas Santos and San Antonio, in order that said William Edward Hartnell may take possession thereof; and standing on the high ridge of the main road of the Purisima mountain to San Antonio, they began the measurement, taking the directions of N.$\frac{1}{4}$ E. to the summit of the place called *Los Pinos*, wherein, having arrived, they said there were one hundred and fifty-six cords (156) from said point in the direction of W.
71 SW. to the gulch (barranco) of San Marcos, near the old corral; one hundred and thirty cords were measured from said gulch in the direction of S.SE. to the point of the hill of San Francisco, where the glen (cañada) of San Antonio ends, one hundred and fifteen cords were measured; and from this last point to the ridge where the measurement commenced, seventy-five cords were measured; and from this last point to the ridge where the measurement commenced, seventy-five cords were calculated. The measurment having been finished, there resulted some five square leagues, (como cinco sitios de ganado mayor,) a little more, and having made the designation of the boundaries on the ridge of the hill of the Purisima, on the low point of the little hill situated to the right of the egress (solendad) of the glen of the hill, the road to Los Alimos on the summit of Los Pinos at the gulch of San Moreas, and on the hill of San Francisco, I ordered landmarks to be formed. In testimony whereof, I signed before the assisting witnesses.

(Signed) FERNANDO TICO.

Assistant witnesses:

(Signed) HENRY MELLUS.

(Signed) JOSE ANTONIO HUERTA.

On the same date I, the before-mentioned justice, did command that, whereas the land had been measured and the designation of boundaries made, Mr. William Edward Hartnell should be put in judicial possession, and that this should be notified to the adjoining land-owners, and signed before the assisting witnesses.

(Signed) FERNANDO TICO.

Assisting witnesses:

(Signed) HENRY MELLUS.

(Signed) JOSE ANTONIO HUERTA.

On the same date notification was made to the adjacent land-owners, José de la Guerra, (as attorney and agent of the mision of La Purisima, and as owner of the rancho of Los Alamos; Francisco Olivera, agent of his father, Lucas Olivera; José Maria Valenzuela, and Antonio Olivera, of the foregoing decree, who, having understood
72 it, said that they heard it and signed with me and the assisting witnesses.

(Signed) PICO.

(Signed) JOSE ANTONIO DE LA GUERRA.

(Signed at the request of Francis Olivera,)
JOSÉ ANTONIO DE LA GUERRA Y CARILLO.

(Signed) JOSE MARIA VALENZUELA.

(Signed) ANTONIO OLIVERA.

Assisting witnesses:

(Signed) HENRY MELLUS.

(Signed) JOSE ANTONIO HUERTA.

In the rancho of Todas Santos, it being about six o'clock in the evening, of the same day, month and year, Mr. William Edward Hartnell, a resident of Monterey, accompanied by the justice and witnesses, with intent, as he said, of taking true corporeal and real possession of the said land of the two places of Todos Santos y San Antonio as belonging to him by just titles obtained from the political government of this department on the 28th day of August, the present year, entered and walked about the said land, pulled up grass, scattered handsfull of earth, broke off branches of trees, and performed other ceremonies of true possession in sign of that which he said he took and did take of said lands. And I, the said justice, did command that from thenceforward he, the said Hartnell, should be held and acknowledged as true owner, lord, and possessor thereof of all the foregoing. Said Hartnell requested that I, the justice, should give him a certificate for future memory and consecration of his rights, which was so authorized, the assisting witnesses being Messrs. Henry Mellus and José Antonio Huerta, with whom I act as judge delegate for want of a notary public, there being none, according to law.

I give testimony.

(Signed) TICO.

Assisting witnesses:

(Signed) HENRY MELLUS.

(Signed) JOSE ANTONIO HUERTA.

73 On the same date this espediente was returned to the party interested. In testimony whereof, I signed, sign with my flourish.

(Signed) [The Alcalde's Flourish.]

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

Copy of Micheltorrena's orders.

{ GOBERNIO DEL DEPT. DE CALIFORNIAS. } Con fecha 11 de Febrero de 1842 me dice el E. S. ministro de la guerra y marina lo que copio E. S. deseando el E. S. presidente provisional de que en el departmento de Californias se promueven todos los recursos que tiene para prosperar y ponerse en defensa y en el estado de felicidad al que aun la misma naturalesa le invita teniendo en consideracion los succesors q'e ha travido en el pais y q'e por la distancia no ha podido evitarlo el gobierno nacional la situacion en que V. E. va á encontrase y las medidas que tendrá que adoptar suyas consultas no surtoren efecto si aquaden el d'ho necesario para su resolucion que hay asuntos en los que el mas pequeño retardo no proporcionar el remedir y confiado en que V. E. no avisar del poder y que el que se le concede lo empleara en bien del servicio y de todas los habitantes del interesanto y feraz deparmento que el goberno supremo ha puesto á su cargo y responsibilidad, se ha senido conceder á V. E. ademas de las atribuciones que le demarca las leyes y ordenanzas vijeantes como gobernador, comandanto g'ral é inspector, todas las facultades que puedo delejarlo el gobo supremo pa que en usa de ellas remueva á los empleados civiles y militares dependentes de el, que no correspondan á sus deberes y á la confianza del mismo sup't gobierno reamplazondolos con ciudadanos dijnos que entraran al ejercicio de sus destinos sin perjuicio de que V. E. dará cuenta para la aprovacion suprema, con las causas de sus procedimientos. Las micas del supremo magistado no solo se reducen á la
74 Alta California sino que tambien se estienden á la buja en cuya demarcacion han aparecido conats de Eccision que fermentados por enemijos ocultos han hecho que tomen parto algunos estaños que su mismo orijin les prohibo et emjourso en querellas domesticas y como esto iresueto á protejer á los tropas autoridades y recursos de la mencionada peninsula ha resuelto que el mando militar de V. E. se estienda á dicha bája California como esto en lo politico separandolo sel Sinaloa sin embarjo de que el Sr. com'dt g'ral de los departementos de Sonora y Sinoloa contimara importencio a V. E. los recursos y ausilios de que hubien menesta para asejuran la paz para socorrer las tropos para provicional vicindario y pa hacer que toda la demarcacion prospere y sea feliz: Aun que el Ant 1o de 2 de Nov de 839 derogo los articulos del de 18 de Febrero del mismo año que sujetaban á la de pendencia de la pleona mayor del Ejercito y el 13 del prima decreto citado solo de deja á los comandantes generales de los departamentos de oriento y occidento con las antiguas atribucciones inspectoras que tenian en los compañias presidiales el E. S. presidt referido ha resuelto que las facultades de V. E. se estiendar

como inspector al batallon fijo de Californias y que en todo lo relativo otro en mecanica y se estienda con la plana mayor del ejercitoe Va V. E. á esperimentar el arreglo ó desorden en que se encuentran las aduanas maritimas de ambos Californias, tieno la necesidad de examinar la situacion que quadan todas las misiones en su gobierno, adelanto y ramo de contabilidad tieno que proceder á la inspeccion y reorganisacion de los compañias presidiales y pa dodo debeir dejar ecistento es mal muertes que se resolvea la consulta. El gobierno supor confiedda en la justificacion y actividad de V E. quien desde luego qu el daño se evito que el bien se establezca y que desde luego ningun obstaculo lo impida y por lo mismo las facultades que delegar en V. E. las hace extensivas á estos ramos y á cuentas mas puedon contribuir á la etha del paiz contando entre sus Ramos la admon de
Correos la Colonizacion el Establiscimte de Presidios, la mejora
75 de los puertos la aquridad de los pueblos la civilisacion de los
salvages la educacion de la juventud la apeturado caminos el fomento de las artes la proteccion de la agricultura y el comercis, el establicimt de casas de correcion y el Onnato de las población es conoce V. E. las miress del goberno supremo: Sabe muy bien que amigo del progreso solo anhela por la union entre mejicanos y porque todas los pueblos disputen él amparo de las leyes y una libertad tan estensa que solo la limito el acamt á las leyes la obediencia á sus autotidades y el deber que tenemas prra procurar el bien y evitar á todas se les haga prejuicio. En esto virtud no me deteno en recomendado proparque esto principios y unicamte le advierto que el dictar sus instruciones el supremo majistado ha querido manifestar á V. E. su aprecio y la antidad del goberno que le confiar y a los habitantes de Californias el a creditades que la presento admon desea su dicha, desconoco la apartia y esta pronto a impartio en favor de aquel Departarat todos cuentas recursos apatezca y pueda proporcionarle. Los dignos mimitares que marchan á las ordenes de V. E. van a prestar un servicio en favor del territorio nacional digno (opos) sin duda de la gratitud publica.

Los habitantes de aquel departmento van á esperimentar en ellos un modelo de homadez de subordinacion y disciplina y para que se acreditan honorrificas cualidades es indispensable que V. E. les recuerda continuant que sua residencia va á ser en unse pueblos que se bien carecen sue habitantes de la civilasacion de contezanos tambien es verdad que sen dociles, hospitalarios amigos del bien y susceptibles de aprovechamiento y libres de ese contagio que tambien perjudica en las grandee problaciones en donde corrempida lu moral solo se enceña a criticar acciones onocentes que de beran servio de buen Ejemplo.

Los que transcribe á V. (para su) intelligencia y fines consiguientes.

Dios y libertad, Enero 10 de 1843.

MAN'L MICHELTORRENA,

76 *Sor Adm'or de la Aduana Maritima de Monterey.*

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

"*L.*"—*Translation of Mich'a's orders.*

{ Gov't of Dep't of Cal. } With date the 11th of February, 1842. His excellency the minister of war and marine, that which I copy:

Most Excellent Sir: His excellency the provisional president, desiring that in the department of the Californias all its resources should be made use of to prosper and put in defence, and in the state of happiness to which nature itself invites it, taking into consideration the events which have happened and which could not have been prevented by the national government on account of the distance, the situation in which your excellency will find yourself, and the measures you will have to adopt, the measures of which will produce no effect if they are delayed the length of time necessary for their determination, (for there are matters in which the slightest delay cannot be remedied;) and trusting that your excellency will make no abuse of power, and that which is granted you will be employed for the good of the service and of all the inhabitants of that interesting and fertile department which the supreme government has placed in your charge and responsibility, he has been pleased to grant to your excellency, besides the powers specified as belonging to you in the laws and ordinances now in force, as governor, commanding general, and inspector, all the authority which the supreme government can delegate to you, that in use of it you may remove all civil and military employees there who do not comply with their duties and are not worthy of the confidence of the supreme government, filling their places with citizens worthy of entering on the exercise of their offices, without this preventing your excellency from reporting it to the supreme government for
77 its approval, and the reason for the your proceedings.

The views of the supreme magistrate are not directed to Upper California alone, but are also extended to the Lower, in the demarcation of which have appeared symptoms of secession, which, encouraged by hidden enemies, have caused some foreigners to take part, who ought to be prevented from their very origin from taking part in domestic quarrels; and as he is resolved to protect the troops, authorities, and resources of the said peninsula, he has decided that the military command of your excellency should be extended to said Lower California, as is your civil (power) separately from that of Sinaloa. Nevertheless, the commanding general of the department of Sonora and Sinaloa will continue to furnish to your excellency the assistance you may require to insure peace, to aid the troops, to provide the inhabitants, and to cause all the demarcation to prosper and be happy.

Although the article 1st of November 2d, 1839, annulled the articles of the 18th of February of the same year, which subjected to the command of the staff of the army, and the 13th of the decree first cited, the commandantes of only the eastern and western departments are left with the powers of inspectors which they had in the companies of the "presidios," his excellency the said president has decided that

the authority of your excellency shall be extended as inspector of the fixed battalion of California, and that in everything relating to it act in detail and conjunction with the staff of the army.

Your excellency is about to see the order or resolution in which the maritime custom-houses of both Californias will be found. You will be under the necessity of examining the condition of all the missions in their government improvements and the branch of accountability. You will have to proceed to the inspection and reorganization of the prisidial companies, and in all cases the evil should be left existing until the remedy is determined.

The supreme government, trusting in the justice and activity of your excellency, wishes the evil be at once avoided, the good established, and that there should not be any obstacle to prevent it; and for this reason the powers delegated to your excellency are
78 made to extend to these branches, and to whatever may contribute to the happiness of the country, numbering amongst its branches the administration of post offices, colonization, the establishment of presidios, the improvement of the ports, the security of the people, the civilization of the savages, the education of youth, the opening of roads, the encouragement of the arts, the production of agriculture and commerce, the establishment of houses of correction, and the beautifying of the towns.

Your excellency knows the views of the supreme government; you know well that, a friend to the advancement, it only desires union among Mexicans, and that all its people may enjoy the protection of the laws, and a liberty so extensive that it is only limited by respect for the laws, obedience to its authorities, and the duty we had of procuring the good and avoiding all that may do them harm. In virtue of this I will not stop to recommend you to propagate these principles. I will only mention that, in dictating your instructions, the supreme magistrate has wished to show your excellency his esteem and the confidence of the government which confers it, and to prove to the inhabitants of California that the present administration desires them happiness, will not neglect them, and is ready to impart, for the benefit of that department, all the means it may desire, or that can be furnished it.

The worthy soldiers who march at the orders of your excellency are about to render a service for the benefit of the national territory, deserving doubtless of the public gratitude.

The inhabitants of that department are about to see in them a model of honor, of subordination, and discipline; and that they may prove themselves to possess these honorable qualities, it is indispensable that your excellency should that continually that their residence is to be in places where, if their inhabitants are wanting in civilization, of courtiers, it is nevertheless true they are docile, hospitable friends of right, susceptible of improvement, and free from that contagion which prejudices in large towns where it corrupts the moral, and only teaches to exercise innocent actions which ought to serve as good examples.

79 All of which I transmit to you for your information and purposes consequent. God and liberty.

January 10, 1843.

(Signed) MANUEL MECHETORENA.

To the administration of the maritime custom-house of Monterey.

Filed in office May 12th, 1852.

GEO. FISHER, *Sec'y.*

80 *Petition for "Alisal."*

To the honorable commissioners to settle private land claims in California:

The petitioner, W. E. P. Hartnell, respectfully shows: That on the 26th of June, A. D. 1834, José Figueroa, governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Alisal," situated in the present county of Monterey, with the boundaries more particularly described in the grant, a copy of which grant and approval is submitted herewith, marked "A," with a translation marked "B."

That on the 18th day of December, A. D. 1834, the said tract of land was duly surveyed, and the juridical possession of it given to the petitioner in due form, a copy of which act of possession is submitted herewith, marked "C," with a translation marked "D."

That the said land has not been surveyed by the surveyor general of the United States, but was duly surveyed at the time of giving the judical possession, and its boundaries marked out.

That the petitioner has been for eighteen years and now is in quiet, peaceful and undisputed possession of said tract of land.

That he knows of no conflicting claim.

That he relies for confirmation of title upon the original papers, copies of which are submitted herewith, upon the records and minutes in the archives now in the charge of the surveyor general, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the commissioners to confirm to him the said tract of land.

By his attorneys, HALLECK, PEACHY & BILLINGS.

Filed in office, June 10, 1854.

GEO. FISHER, *Sec'y.*

81 Recorded in record of petitions, vol 1, p. 132 and 133.

GEO. FISHER, *Sec'y.*

Petition of widow, children, and exec't's of W. E. P. Hartnell.

To the honorable commissioners to settle private land claims in California—In claim No. 264, of W. E. P. Hartnell to "Alisal."

And now come the claimants, Teresa de la Guerra, widow, and Guillermo A. Juan, Adellerto, Teresa, José, Matilda, Ana, Magdalena,

Pablo, Uldario, Amelia, and Silvestre, children, and Pablo de la Guerra, and the aforesaid Teresa de la Guerra de Hartnell, executors of the last will of W. E. P. Hartnell, deceased, and respectfully represents—

That since the filing of the petition in this case, the claimant, W. E. P. Hartnell aforesaid, died at Monterey, in California, on the second day of February, A. D. 1854, and leaving executors of his last will and testament.

They therefore pray this honorable board to confirm to them the tract of land called "Alisal," described in the petition of W. E. P. Hartnell, which was filed in the secretary's office on the 10th June, 1850, and in the other documents and papers filed in this case.

By their attorneys, HALLECK, PEACHY & BILLINGS.

Filed in office Sept. 12th, 1854.

GEO. FISHER, *Sec'y.*

82 *Deposition of Man'l Jimeno.*

SAN FRANCISCO, *January 27th*, 1853.

On this day, before Harry J. Thornton, com'r, came Man'l Jimeno, a witness in behalf of the claimant, W. E. P. Hartnell, petition No. 264, and was duly sworn, his evidence being interpreted by the secretary.

In answer to questions propounded by claimant's counsel, the witness testifies as follows:

My name is Manuel Jimeno; my age is 49 years; I have lived in California 24 years.

I am acquainted with the handwriting of José Figueroa, Augustin V. Lamorano, G. E. P. Hartnell, José Castro, Juan B. Alvarado, David Spence, Manuel Benton, Mariano Soto; their signatures to the paper before me marked No. 1, and filed herewith, are genuine.

The signature of Manuel Jimeno Casaron is my own; Juan B. Alvarado's signature is genuine.

I know the land described in these papers. Mr Hartnell, the claimant, occupied this land with a house, cattle and horses previous to the date of this title, and has occupied it ever since.

MANUEL JIMENO.

U. S. law agent present.

Sworn to and subscribed before me this 27th day of January, 1853.

HARRY J. THORNTON, *Commissioner, &c.*

Filed in office January 27th, 1854.

GEO. FISHER, *Sec'y.*

Recorded in office Jan'y 27th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of David Spence.

83 OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c., &c.

This day, before Commissioner Alpheus Felch, came David Spence, a witness in behalf of claimant, Wm. E. P. Hartnell, No. 264, who, after being duly sworn, deposed as follows:

Questions by Mr. Halleck, att'y for claimant.

1st question. What is your name, age, and place of residence?

Answer. My name is David Spence; my age is fifty-five years, and I reside at Monterey, in California.

2d question. Do you know the rancho called El Alisal, claimed by W. E. P. Hartnell? if yea, state what you know of its occupation and improvement.

Answer. I know the rancho perfectly well; it adjoins my own. I was there the first time in the year 1835. At that time Mr. Hartnell, the claimant, was there living in an adobe house on the place with his family. The house was two stories high. He had also at that time a college for the education of boys, which was conducted by himself and Father Short. He has a garden and a large piece of the land fenced in and cultivated. He had also on the place a considerable stock of cattle and horses. He has continued in constant possession and occupation from that time to the present, a part of his family constantly living on the place. He has made other improvements at different times on said place; he built a second adobe house on the premises.

D. SPENCE.

Mr. Greenhow, associate law agent, was present at the taking of this deposition, but propounded no interrogatories.

Subscribed and sworn to before me this 28th day of October, A. D. 1853.

ALPHEUS FELCH, *Commissioner.*

Filed in office October 28th, 1853.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B, vol. 3, p. 313.

GEO. FISHER, *Sec'y.*

84 *Deposition of Pablo de la Guerra.*

UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *July 10th*, 1854.

This day personally came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Pablo de la Guerra, a witness on behalf of claim-

ants in case No. 264, wherein W. E. P. Hartnell is claimant, and said witness, being duly sworn, deposed in English as follows:

The U. S. law agent is present.

Questions by claimant's counsel.

1st question. What is your name, age, and residence?

Answer. My name is Pablo de la Guerra; my age, 34 years; my residence, Santa Barbara county, California.

2d question. Was you acquainted with the late William E. P. Hartnell, claimant in this case, and also claimant in case No. 228? if yea, state when he died, and whether he left a widow, and what children, if any, and whether he died testate or intestate.

Answer. I was acquainted with said Hartnell. He died on the second day of February, A. D. 1854, at Monterey, leaving a will; he also left a widow and children. The widow's name was Teresa de la Guerra, and the children's names were Guillermo, Juan, Adeleato, Teresa, José, Matilda, Ana, Magdalena, Pablo, Ulderico, and Silvestro. He left no other children than those named.

PABLO DE LA GUERRA.

Subscribed and sworn to before me on this 10th day of July, A. D. 1854.

PETER LOTT, *Commissioner, &c.*

Filed in office July 10th, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Ev. B, vol. 5, p. 89.

GEO. FISHER, *Sec'y.*

85 *Translation of copy of record.*

No. 32. José Figueroa, brigadier general of the Mexican army, commandante, general inspector, and superior political chief of Upper California:

Whereas Don Guillermo Eduardo Hartnell has solicited for his personal benefit and that of his family a part of the land known by the name of the Alisas, bounded by the mountains, the *encinal* (oak grove) rancho of Buenavista, and the place occupied by citizens Feliciano, and Mareino Soberanes, towards the Sausal, the necessary steps and investigations having been previously taken and made according to the requirements of laws and regulations, by virtue of the powers conferred upon me, in the name of the Mexican nation, I have determined to grant to said Hartnell by these letters, in a decree of the 19th of December, 1833, which modified that of the 18th of May, of the same year, the ownership of a third part of said land, besides that comprehended between the hill opposite to the old house of citizen Aguila and the spring of water where there was formerly a dam, inclusive; it being understood that said grant is made in entire conformity with the provisions of the laws, and subject to the approval

or disapproval of the most excellent territoreal deputation, and of the supreme government, and under the following conditions.

1st. That he shall submit to those conditions which may be established by the regulations to be formed for the destruction of vacant lands, and that in the meantime, neither the grantee nor his heirs shall divide or alienate that which is granted to him, impose land tax, entail reversion, mortgage, or any other incumbrance, although it be for uses, nor transfer it in mortmain.

2d. He may fence it without prejudice to the crossings, roads and servitudes; he shall enjoy it freely and exclusively, destining to the use or cultivation which may best suit it; but within a year at the farthest, he shall build a house and it shall be inhabited.

3rd. When the ownership is confirmed to him he shall request the respective judge to give him juridical possession by virtue
86 of this title, by which the boundaries shall be marked out, at the limits whereof he shall place, besides the land marks, some fruit trees or wild ones of some utility.

4th. The land of which donation is made consists of two-thirds of a square league, a little more, as appears by the sketch which accompanies the espediente, and the cession made in his favor by the said Soberañes.

The judge who may give the possession will cause it to be measured; will cause it to be measured according to ordinance, in order to designate the boundaries, leaving the surplus which may result to the nation for the necessary ends.

5th. If he contravene these conditions he shall lose his right to the land, and he may be denounced by another. I consequently command that these presents serve him for a title, and, being held as firm and valid, be recorded in the corresponding book and be delivered to the interested party for his security and other purposes.

Given in Monterey, the 26 of June, 1834.

JOSE FIGUEROA.
AUGUSTIN V. ZAMORANO, *Sec'y.*

Due note has been made in the books of entries of titles on adjudications of lands, on page 34, numbers thirty-two, kept in the secretary's office under my charge.

Monterey, June 26th, 1834.

ZAMORANO.

87 *A.—Alisal.—Copy of title.—Doc. H. J. T.—No. 1 annexed to deps. of Man'l Jimeno.*

Selle segundo, doce reales.

Habitado provisionalm't por la administracion de la aduana maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

(Signed) RAFAEL GONZALES.

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José Figueroa, general de brigada de la republica Mejicana, comandante general inspector y gefe superior politico del territorio de la Alta California.

{ GOV'T } { SEAL. } Por cuanto Don Guillermo Edwado Hartnell ha pretendido para su beneficio personal y el de su familia una parte del terreno conocido con el nombre del Alizal colindente con la sierra, el encinal, rancho de Buena Vista y con la parte que ocupan los ciudadanos Feliciano y Mariano Soberanes acia el sausal: practicadas previamento las diligencias y averiguaciones con cimientes sq'or lo dispuesto por leyes y reglamentos, usando las facultades que me son conferidos à nombre de la nacion Mejicana he venido en concerderle por las presentes letras en derelo de diez y nueve de Diciembre de mil ochocientos treinta y tres que modifico el de diez y ocho de Mayo del mismo año al citado Hartnell la propiedad de una tercera parte del repetido terreno y ademas el que comprende desde la loma en frente de la Cosita antigua del ciudano Aguilar hasta el ojo de agua donde antes habia presa inclusiva, entendiendose dicha consecion con antera conformidad à lo dispuesto por las leyes y à reserva de la aprovacion ó desaprovacion de la excelentissima deputacion territorial y del supremo gobierno y bajo las condiciones siguientes.

1a. Que se sometera à las que establecire el reglament que se ha de formar para la distribucion de terrenos valdios y que contra tanto ni el agraciado ni sus herederos podran dividir, ni enajenar el que se le adjudica imponer senso vinculo fianza hipoteca ni otro gravemen aunque sea por causa piadosa ni pasarlo à manos muertes.

2a. Podia cercalo sin prejudicar los travecias, comunos y servidumbres: lo disfrutara libre y exclusivam'te destinandolo al uso y culturo que mas le acomode, pero dentro un año à lo mas fabricara casa y estara habitado.

88 3d. Cuando se le conforme la propiedad solicitara del juez respectivo le de posecion juridica en virtud de este despacho por el cual se demacaron los linderos en cuyos limites pondra à mas de las mohoneras algunos arboles frutales ò silvestres de alguna utilidad.

4a. El terreno de que se le hace es de dos tercias de sitios de ganado mayor poco mas segun esplica el diseño que corre en el exped'to y la sesion que hacen en su favor los referidos Soberanes. El juez que diere la posecion lo hara medir conforme à ordenanza para señalar los linderos quedando el sobrante que resulto à la nacion pona los usos conbinientes.

5a. Si contraviniere à estos condicione perdera su derecho al terreno y sera denunciahle por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose per forme y valedero se tome razon en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a veinte y seis de Junio de mil ochocientos treinta y cuatro.

(Signed) JOSE FIGUEROA.
(Signed) AUGUSTIN V. ZAMORANO.

Queda tomado razon en el libre de asientos de titulos sobre adjudicacion de terrenos a pajas treinta y cuatro numero treinta y dos q'e obra en el secretario de me cargo.

Monterey, Junio veinte y seis de mil ochocientos treinta y cuatro.

(Signed) ZAMORAN.

Sello tercero, dos reales.

Habitado provicionalm'te por la administracion de la aduana maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

(Signed) FIGUEROA.
(Signed) RAFAEL GONZALES.

{ GOVERNMENT } Dado cuenta a la eccelentissima deputacion en se-
{ SEAL. } cion de quince del corriente con el dictamen presentado en ocho del mismo aprovi las dos preposiciones en que concluye y son del tenor siguiente.

89 Primera. Se aprueva la concesion echa en favor de los ciudadanos Feliciana y Mariano Soberanes del parajes nombrado el Alizal por decreto de diez y ocho de mayo de mil ochocientos treinta y tres y reformado por decreto de diez y nueve de Diciembre del mismo año.

Segunda. Se aprueva la concesion echa en favor al Don Guillermo Eduardo Hartnell de la parte del terreno del paraje del Alizal que sele concedio por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres de que habla el articulo anterior. Y en consecuencia se debuelva el expediente al señor gefe superior politico para su curso.

Monterey, Julio veinte y cuatro de mil ochocientos treinta y cuatro.

En vista de la aprovacion otregada en diez y seis del presente mes por la excelentissima deputacion territorial testimonio de ella este decreto à las partes de los ciudadanos Feliciano y Mariano Soberanes y de Don Guillermo Eduardo Hartnell en conformacion à la concesion del terreno del alisal que obtuvieren por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres que reformo el de diez y ocho de Mayo del mismo año. El señor Don José Figueroa, general de brigada, comandante general inspector y gefe superior politico de la Alta California asi lo mando decreto y firmo de que doy fée.

JOSE FIGUEROA,
AUGUSTIN V. ZAMORAN, *S'rio.*

Concuerda à la letra con su original del cual hize sacar el presente testimonio para resguardo y demas fines de la parte de Don Guillermo Eduardo Hartnell en Monterey à veinte y cuatro de Julio de mil ochocientos treinta y cuatro, siendo testigos los ciudadanos. Bonifacio de Madariaja y Francisca de Cuampo de este vicinidad.

En testimonio de verdad.

(Signed) JOSE FIGUEROA,
(Signed) AGUSTIN V. ZAMORAN, *S'rio.*

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90 *Alisal.—Copy of juridical possession.*

Sello tercero, dos reales.—Para los años de mil ocho-
[SELLO.] cientos veinte y seis y ochocientos veinte y siete.

[SELLO.] SOR. ALCALDE CONSTITUCIONAL:

Guillermo Eduardo Hartwell ante V. comparece y dice. Que habiendo obtenido la concesion propia de la tercera parte del terreno conocido con el nombre del Alisal incluso
[SELLO.] tambien el terreno que comprende desde la loma en frente de la casita antigua del C. Aguilar hasta el ojo de agua donde antes habia presa inclusivo, ocurre à V. para que se
[SELLO.] sirva darle la posecion juridica conforme esta prevenido en el Art'lo 4o del titulo de d'ho terreno que se le espidio en
[SELLO.] 26 de Junio del año presente que debidam'te, accompaño igualmento la conformacion respectiva para que todo obre los efectos deseados.

P. T. A. V. suplico se serva ponerme en la posecion que solicita en que recibire gracia, justicia, &c.

Monterey, 30 de Octobre de 1834.

(Signed) GUILL'O EDO. HARTNELL.

MONTEREY, 1*a de D'bre de* 1834.

En virtud de la anteced'te solicitud pro seonse por mi el presente juez de primera instancia à la midicion señalm'te de linderos y posecion judicial que solisita el interesado en este esped'te señalandose para ejecutarlo el dia diez y ocho de Diciembre del corriente año para le que secitaran con voleta de comparendo à los colindantes.

Asi yo el mencionado juez le decreto, mando, y firme con testigos de asistencia con quienes actuo por receptoria à falta de escribano publico. Doy fée.

(Signed) MANUEL JIMENO CASARIN.

(Signed) JOSÉ CASTRO, *de assa.*

(Signed) JUAN B. ALVARADO, *de assa.*

91 En la f'ha presente Dn. Guillermo Eduardo Hartnell se le notifico el auto que anteced'te y de el entendido dijo, lo oye que seduva p'r citado y le firmo conmigo y los testigos de assist'a.

(Signed) CASARIN, *de assa.*

(Signed) GUILLO. EDO. HARTNELL, *de assa.*

En la f'ha se libraron las voletas de se mandar en el un tesedente auto y para que constelo rubrique.

(Signed) (The alcalde's flourish.)

En el rancho del Alizal à los diez y ocho dias del mes de D'bre de mil ochocientos treinta y cuatro en cumplimiento del auto de primera de dicho mes y año concurrieron los ciudadanos Mariano Estrada. David Spence y Mariano y Feliciano Soberanes colindantes de este

Queda tomado razon en el libre de asientos de titulos sobre adjudicacion de terrenos a pajas treinta y cuatro numero treinta y dos q'e obra en el secretario de me cargo.

Monterey, Junio veinte y seis de mil ochocientos treinta y cuatro.

(Signed) ZAMORAN.

Sello tercero, dos reales.

Habitado provicionalm'te por la administracion de la aduana maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

(Signed) FIGUEROA.
(Signed) RAFAEL GONZALES.

{ GOVERNMENT SEAL. } Dado cuenta a la eccelentissima deputacion en sesion de quince del corriente con el dictamen presentado en ocho del mismo aprovi las dos preposiciones en que concluye y son del tenor siguiente.

89 Primera. Se aprueva la concesion echa en favor de los ciudadanos Feliciana y Mariano Soberanes del parajes nombrado el Alizal por decreto de diez y ocho de mayo de mil ochocientos treinta y tres y reformado por decreto de diez y nueve de Diciembre del mismo año.

Segunda. Se aprueva la concesion echa en favor al Don Guillermo Eduardo Hartnell de la parte del terreno del paraje del Alizal que sele concedio por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres de que habla el articulo anterior. Y en consecuencia se debuelva el expediente al señor gefe superior politico para su curso.

Monterey, Julio veinte y cuatro de mil ochocientos treinta y cuatro.

En vista de la aprovacion otregada en diez y seis del presente mes por la excelentissima deputacion territorial testimonio de ella este decreto à las partes de los ciudadanos Feliciano y Mariano Soberanes y de Don Guillermo Eduardo Hartnell en conformacion à la concesion del terreno del alisal que obtuvieren por decreto de diez y nueve de Diciembre de mil ochocientos treinta y tres que reformo el de diez y ocho de Mayo del mismo año. El señor Don José Figueroa, general de brigada, comandante general inspector y gefe superior politico de la Alta California asi lo mando decreto y firmo de que doy fée.

JOSE FIGUEROA,
AUGUSTIN V. ZAMORAN, *S'rio.*

Concuerda à la letra con su original del cual hize sacar el presente testimonio para resguardo y demas fines de la parte de Don Guillermo Eduardo Hartnell en Monterey à veinte y cuatro de Julio de mil ochocientos treinta y cuatro, siendo testigos los ciudadanos. Bonifacio de Madariaja y Francisca de Cuampo de este vicinidad.

En testimonio de verdad.

(Signed) JOSE FIGUEROA,
(Signed) AGUSTIN V. ZAMORAN, *S'rio.*

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90 *Alisal.—Copy of juridical possession.*

Sello tercero, dos reales.—Para los años de mil ocho-
[SELLO.] cientos veinte y seis y ochocientos veinte y siete.

[SELLO.] SOR. ALCALDE CONSTITUCIONAL:

Guillermo Eduardo Hartwell ante V. comparece y dice. Que habiendo obtenido la concesion propia de la tercera parte del terreno conocido con el nombre del Alisal incluso
[SELLO.] tambien el terreno que comprende desde la loma en frente de la casita antigua del C. Aguilar hasta el ojo de agua donde antes habia presa inclusivo, ocurre à V. para que se
[SELLO.] sirva darle la posecion juridica conforme esta prevenido en el Art'lo 4o del titulo de d'ho terreno que se le espidio en
[SELLO.] 26 de Junio del año presente que debidam'te, accompaño igualmento la conformacion respectiva para que todo obre los efectos deseados.

P. T. A. V. suplico se serva ponerme en la posecion que solicita en que recibire gracia, justicia, &c.

Monterey, 30 de Octobre de 1834.

(Signed) GUILL'O EDO. HARTNELL.

MONTEREY, 1*a de D'bre de* 1834.

En virtud de la anteced'te solicitud pro seonse por mi el presente juez de primera instancia à la midicion señalm'te de linderos y posecion judicial que solisita el interesado en este esped'te señalandose para ejecutarlo el dia diez y ocho de Diciembre del corriente año para le que secitaran con voleta de comparendo à los colindantes.

Asi yo el mencionado juez le decreto, mando, y firme con testigos de asistencia con quienes actuo por receptoria à falta de escribano publico. Doy fée.

(Signed) MANUEL JIMENO CASARIN.

(Signed) JOSÉ CASTRO, *de assa.*

(Signed) JUAN B. ALVARADO, *de assa.*

91 En la f'ha presente Dn. Guillermo Eduardo Hartnell se le notifico el auto que anteced'te y de el entendido dijo, lo oye que seduva p'r citado y le firmo conmigo y los testigos de assist'a.

(Signed) CASARIN, *de assa.*

(Signed) GUILLO. EDO. HARTNELL, de *assa.*

En la f'ha se libraron las voletas de se mandar en el un tesedente auto y para que constelo rubrique.

(Signed) (The alcalde's flourish.)

En el rancho del Alizal à los diez y ocho dias del mes de D'bre de mil ochocientos treinta y cuatro en cumplimiento del auto de primera de dicho mes y año concurrieron los ciudadanos Mariano Estrada. David Spence y Mariano y Feliciano Soberanes colindantes de este

rancho y citados pe. la midicion señal amiento de linderos y posecion nombre por medidires á los ciudadanos Vicente Cantua y Casimirio Soto quienes previa la acceptacion y juramento prosederen al desempeño de su encargo. Asi yo el dicha juez lo decreto mande y firme contestigos de assist'a.

(Signed) MANUEL JIMENO CASARIN.

De ass'a:
JOSÉ CASTRO.
(Signed) MANUEL BURTON,
(Sign'd) DAV. E. SPENCE.

En la f'ha se los notificio el auto que antesedi á los colindantes y entendidos dijeron que lo oyen y formaron con migo y los testigos de assist'a.

(Signed) CASARIN.
(Signed) MARIANO SOBERANES.
(Signed) JOSE MA. ESTRADA.
(Signed) DAVE. SPENCE.

De ass'a:
JOSE CASTRO.
MANUEL BURTON.

En la f'ha y en el espresado rancho se les notifica el auto en el que aparecen nombrados medidores à los ciudadanos Vicente Cantua y Casimirio Soto y entendidos dijeron. Que aceptan y aceptaban dicho encargo y juraron por Dios nuestro Señor y la señal de la Santa Cruz de usar lo fiel y legalm'te á todo su leal saber y entender sin dolo sin á fraude contra persona alguna y forme solem'te dicho Soto
92 porque Cantua dijo no saberlo hacer lo hace yo con los testigos de assistencia.

(Signed) MANUEL JIMENO CASARIN.

De ass'a:
(Signed) JOSE CASTRO.
(Signed) MANUEL BURTON.
(Signed) CASIMIRIO SOTO.

Incontinento yo el referido juez mande traer à mi presencia el cordel con que se ha de medir las tierras y que las medidores midan de cien varas y lo firme con los de assist'a.

(Signed) MANUEL JIMENO CASARIN.

De ass'a:
(Signed) JOSE CASTRO.
De ass'a:
(Signed) MANUEL BURTON.

En la misma en presencia de mi el repetido juez los espresados medidores tomaron un cordel de mecate y con una vara de medir usual Mejicana, tomandolo en la mano midieron cien varas para hasa la referida medicion y para consta lo rubique.

(Signed) (The alcalde's flourish.)

En la misma f'ha y en el referido rancho siendo las ocho de la mañana yo el pres'te alcalde mande a los medidores nombrados se pongan para las medidores de tierras ql. se ha de hacer del todo el terreno conocido por del Alizal y dividir despues la tercera parte para que el mencionado Don Guillermo E. Hartnell tomo posecion de ella y para dos en la encina de las tres cruses situada en el paraje llamado el matadero, del encinal se contemplaron elose cordeles rumbo al N. hasta dar con la sierra, vuelto à dicha encina y tomando el rumbo O¼. al N. se midieron cien cordeles hasta la laguna del lado del N. O. rumbo O. N. O. hasta la punta rumbo N. N. O. hasta el portesuelo lindero de Manuel Burton se medieren ochenta cordeles.

Desde dicha porte suelo rumbo S. E. se contemplaron dos cientos cordeles. Hecha esta midicion declaron los referidos medidores haver como dos sitios de ganado mayor.

Por conbenio mutuo entro los Señores Soberanes y el Sor.
93 Hartnell se conbino en que los linderos del ultimo sean desde la secion alta que esta al N. de la encina de las tres cruses en el matadero del encinal. Todo el lindero de Buena Vista desde dicho matadero hasta pasado la laguna de la parte del N. O. tirando una linea derecha rumbo N. E. hasta dar en la mediania de la segunda cañada despues de la mina hacia la soledad y à mas el arroyo grande del alizal desde la cienejar para arriba rumbo de N. y dicha sienejita es decir todo el terreno comprendido al oriente del arroyo y al N. y oriente de la lomeria que corre desde la cienegita hasta dar con la mediania de la segunda cañada de la mina hacia la soledad perteneciendole al referido Sr. Hartnell, los ojos de aguas y lagunas que en dicho terreno que le corresponde existen.

Habiendose hecho el señalmiento de linderos mande formaren mojoneras y se dibujara un deceño de la parte de terreno que le corresponde al mencionado Sor. Hartnell para constancia y lo firme por los testigos de assist'a sejn otro.

(Signed) MANUEL JIMENO CASARIN.

De ass'a: (Signed) JOSE CASTRO.

De ass'a: MANUEL BURTON.

En la f'ha yo el indicado juez mandè que en vista de haberse medido el terreno y traverze hecho el señalm'te de linderos se pongar en posecion juridica el Sór. D'n Guillermo E. Hartnell y notifiqueseles à los colindantes y firmé por antes los testigos de ass'a.

(Signed) MANUEL JIMENO CASARIN.

De ass'a: (Signed) JOSE CASTRO.

De ass'a: (Signed) MAN'L BURTON.

En la misma se les notifica a los colindantes D'n Mariano Estrada, D'n David Spence, D'n Mariano Soberanes y D'n Feliciano Soberanes, el auto anterior y entendidos dijeron que lo oyen y firmaron conmigo y los testigos de assist'a.

(Signed) CASARIN.
(Signed) MARIANO SOBERANES.
(Signed) MARIANO ESTRADO.

94 De assa: (Signed) JOSE CASTRO.
(Signed) MAN'L BURTON.
De assa: (Signed) DAV. E. SPENCE.
(Signed) FELICIANO SOBERANES.

En el rancho del Alizal (*a*) el patrocinio siendo como las diez de la mañana del mismo dia mes y año el S'or D'n Guillermo Eduardo Hartnell vecino de Monterey acompañado del juez de primera instancia y testigos con animo segun dijo dicho S'or Hartnell de tomar la verdadera corporal y real posecion del espresado terreno del Alizal (*a*) el patrocinio por haberle pertenecido con justos titulos que obtuvo de govierno politico de este territorio con f'ha veinte y seis de Junio de mil ochocientos treinta y cuatro y la aprovacion de la ex'ma deputacion territorial con f'ha dies y seis de Julio de mil ochocientos treinta y cuatro, entro y paseo por por ellas arranco yerbas esparcio puñados de tierra, rompio ramas de los arboles è hizo otras demostraciones de verdadera posecion en señal de le que dijo tomar y que tomaba dichas tierras. Y mando el citado juez que desde entonces le tuviesen y reconociesen al mencionado S'or Hartnell por verdadero señor y posedor de ellas.

De todo lo referido pidio el repitido S'or Hartnell que para memoria en la venidero y conservacion de sus derechos por mi el juez le fuere estendido una constancia lo que ha si fue autorizado siendo testigos de assistencia D'n José Castro y D'n Manuel Burton con quienes actuvo en reseptoria à falta de escribano publico que no lo hay segun derecho doy feé.

(Signed) MANUEL JIMENO CASARIN.

De ass'a: (Signed) JOSE CASTRO.

De ass'a: (Signed) MAN'L BURTON.

En la f'ha se devuelve este exped'te al interesado can nuevo fojas utiles y para constancia lo puse por nota que rubrique.

(Signed) (The alcalde's flourish.)

95 Sello primero, ocho pesos. Habitado provisionalm'te por la aduana maritima del puerto de Monterey en el departmento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORENA.

[SEAL.] El ciudadano Manuel Micheltorena, general de brigada del ejercito Mejicano, aydante general de la plana mayor del mismo, gobernador comandante general è inspector del departmento de Californias:

[SÉLLO.] Por cuanto D. Guillermo Eduardo Hartnell, Mejicano por naturalizacion ha pretendido para su beneficio personal y el de su familia un terreno de la estencion de once leguas cuadrada, colindante por el norte con el rio de los Cosumnes en frente del rancho de D. Joaquin Sheldon por el poniente con el rancho del S'or Anastacio Chaboya: por el sur con las immidiaciones del arroyo de las Uvas, y por el oriente con las de la Sierra Nevada; practicadas previam'te las diligencias y averiguacienes concernietes sejun lo dispuesta por leyes y reglamentos usando de las facultadas que me son conferidos en

nombre de la nacion Mejicana, he venide en concerderle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose á la aprobacion de la ex'mo asemblea departmental y bajo las condiciones sig'tes:

1a. Podia cercalo sin perjudicar las travecias caminos y servidumbres, lo disfrutara libre y exclusivam'te destinandole al uso ò cultivo que mas le acomde.

2a. Solicitara del juez respectivo que le de posecion juridica en virtud de este despacho por la cual se demarcaran los linderos cuyos limites pondra ademas de los mojoneras algunos arboles frutales ò silvestres de algun utilidad.

3a. El terreno de que se hace donacion es de once sitios de ganado mayor. El juez que diere la posecion lo hara medir conforme à ordenanza quedando el sobrante para los usos que à la nacion le convenga.

96 4a. Si contraviniere à estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por forme y valedero, se tome razon de el en el libro respectivo y se entreguo al interesado para su resjuado y demas fines.

Dado en Monterey este dia tres de Noviembre del año de mil ochocientos cuarenta y cuatro.

MAN'L MICHELT'A,
MANUEL JIMENO, *S'rio.*

Queda tomado razon de este despacho en el libro respectivo à fojàs 8.

Filed in office Jan'y 27, 1853.

GEO. FISHER, *Secretary.*

97 *Translation of Title.—Alisal.*

Seal of the second class, twelve reales. Authorized provisionally by the administration of the maritime custom-house of Monterey for years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

(Signed) FIGUEROA,
(Signed) RAFAEL GONZALES.

[GOV T SEAL.] José Figueroa, brigadier general of the Mexican republic, commanding general and superior political chief of the Territory of Upper California.

Whereas, William Edward Hartnell has solicited for his personal benefit and that of his family a part of the land known by the name of Alisal, bounded by the mountains, the encinal, (oak grove,) rancho of Buenavista, and the part occupied by citizens Feliciano and Mariano Soberanes towards the Sausal, the necessary steps and investigations having been previously taken and made according to the requirements of laws and regulations, I have, by virtue of the powers

conferred upon me, granted to said Hartnell by these present letters, in a decree of the nineteenth of December, eighteen hundred and ninety-three, which modified that (decree) of the eighteenth of May of the same year, the ownership of a third of the said land, besides that comprehended between the hill opposite to the old house of citizen Aguilar and the spring of water where there was formerly a dam, inclusive. It being understood that the grant is made in entire conformity with the provisions of the laws, and subject to the approval or disapproval of the most excellent territorial deputation, and of the supreme government, and under the following conditions.

1st. That he shall submit to those conditions which may be established by the regulations to be formed for the distribution of vacant lands; and that, in the meantime, neither the grantee nor his heirs shall divide nor alienate the land granted to him, impose land rent, (censo,) entail, (vinculo,) reversion, (fuanza,) mortgage, or any other burthen, although it may be for pious purposes, nor transfer it in mortmain.

2d. He may fence it without prejudice to the crossings, roads, and privileges, (servidumbres.) He shall enjoy it freely and ex-
98 clusively, destining it to the use or cultivation which may best suit him; but within one year, at farthest, he shall build a house, and it must be inhabited.

3rd. When the ownership is confirmed to him he shall request the respective justice to give him juridical possession by value of this title, and said magistrate shall designate the boundaries, at the limits whereof the grantee shall, besides placing some landmarks, plant some fruit trees or wild ones of some utility.

4th. The land whereof donation is made consists of two-thirds of a square league, (dos terceros de sitio de ganada mayor,) a little more, as appears by the plot which accompanies the expediente, and the cession made in his favor by the said Soberanes. The justice who gives the possession shall cause it to be measured according to law, in order to designate the boundaries, leaving the surplus which may result to the nation for the necessary uses.

5th. If he transgress these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command that these presents, serving him for a title, and being held as firm and valid, be recorded in the corresponding book, and be delivered to the party interested for his security and further ends.

Given in Monterey on the twenty-sixth day of June, eighteen hundred and thirty-four

(Signed) JOSÉ FIGUEROA.
(Signed) AUGUSTIN V. ZAMORANO, *Sec'y.*

Recorded in book of entries of letters respecting adjudication of lands, at folio thirty-four, number thirty-two, kept in secretary's office, under my charge.

Monterey, June twenty-sixth, eighteen hundred and thirty-four.

(Signed) ZAMORANO.

[GOV'T SEAL.]

The report, presented on the eighth of the present month, having been laid before the most excellent deputation, in the
99 session of the fifteenth inst., the two proposals which concluded said report, and are of the following tenor, were approved:

First. The grant made in favor of citizens Feliciano and Mariano Soberanes, of the place named the "Alisal," by the decree of the eighteenth of May, eighteen hundred and thirty-three, and amended by the decree of the nineteenth December, of said year, is approved.

Second. The grant made in favor of William Edward Hartnell of the part of the land of the place of the Alisal, granted by decree of the nineteenth of December, eighteen hundred and thirty-three, mentioned in the foregoing article, which is approved.

In consequence whereof the expediente is returned to the superior chief for its continuance.

Monterey, July sixteenth, eighteen hundred and thirty-four.

JOSÉ FIGUEROA.

JOSÉ MARIA MALDONADO, *Secretary.*

MONTEREY, *July 24th*, 1834.

In view of the approval, granted on the sixteenth of the present month, by the most excellent territoral deputation, let a testimony thereof, and of this decree, be given to the parties interested, citizens Feliciano and Mariano Soberanes and William Edward Hartnell, in confirmation of the grant of the land of the Alisal, which they obtained by a decree of the nineteeth of December, eighteen hundred and thirty-three, which amended the decree of the eighteenth of May, the same year.

Señor Don José Figueroa, brigadier general, commandant, general inspector, and political chief of Upper California, did thus command, decree, and sign. Whereof I give testimony.

JOSÉ FIGUEROA.

AUGUSTIN V. ZAMORANO, *Secretary.*

100 The foregoing agrees literally with its original, from which I commanded the present testimony to be certified for the security and further ends of the party interested, William Edward Hartnell, in Monterey, on the twenty fourth day of July, eighteen hundred and thirty-four, being witnesses, citizens Bonifacio de Madereaga and Francisco de Arango, residents of this place.

In testimony of truth.

(Signed) JOSÉ FIGUEROA.

(Signed) AUGUSTIN V. ZAMORANO, *Secretary.*

Filed in office June 10th, 1852.

GEO. FISHER, *Sec'y.*

[SEAL.] Seal of the third class, two reales, for the years eighteen hundred and twenty-six and eighteen hundred and twenty-seven.

{Seal for 1828 and 1829. Seal for 1830 and 1831. Seal for 1832 and 1833. Seal for 1834 and 1835.} Señor constitutional Alcalde: William Edward Hartnell appears before you and says, having obtained a proper grant of the third part of the land known by the name of the Alisal, including also the land comprehended between the hill opposite to the old house of citizen Aguila, &c., the spring of water, where there was formerly a dam, inclusive, he applied to you in order that you will be pleased to give him judicial possession, in conformity with the provisions of the 4th article of the title of said land granted on the 26th of June of the present year, which duly accompanies, as likewise the respective confirmation, so that the whole may produce the desired effect. I, therefore, request that you would be pleased to put me in possession which I ask for, whereby I shall receive justice, &c.

101 Monterey, 30th October, 1834.

(Signed) WM. EDW. HARTNELL.

MONTEREY, 1st *December*, 1834.

In view of the foregoing petition, let me, the present judge of the first instance, proceed to the measurement, designation of boundaries and judicial possession asked for by the party interested in this expediente, fixing for the execution thereof the eighteenth day of December of the present year, to which effect the neighboring land owners will be cited by means of summons. Thus I, the said judge, did decree, command, and sign, with assisting witnesses, with whom I act as judge delegate (per receptoria) for want of a notary public.

I give testimony,

(Signed) MANUEL JIMENO CASARIN.

Assisting witnesses:

(Signed) JOSE CASTRO.

(Signed) JUAN B. ALVARADO.

On the same day, William Edward Hartnell being present, the foregoing was notified to him, who, having understood it, said that he heard it, and considered himself as cited and signed with me and the assisting witnesses.

(Signed) WM. EDW'D HARTNELL.

Assisting witnesses:

(Signed) CASARIN.

" JOSE CASTRO.

" JUAN B. ALVARADO.

On the same day the summonses mentioned in the forgoing decree were despatched. In testimony whereof I sign with my flourish.

Signed) (The alcalde's flourish.)

In the same rancho of the Alisal, on the eighteenth day of the month of December, eighteen hundred and thirty-four, in fulfilment of the

decree of the first of said month and year, the citizens Mariano Estrada,
David Spence, and Mariano and Feliciano Soberanes, owners of
102 the adjoining ranchos, and summoned for the measurement, designation of boundaries and possession, appeared, and I appointed as measurers citizens Vicente Cantua and Casimero Soto, who, after accepting and taking oath, will proceed to exercise their functions.

Thus I, the said judge, did decree, command, and sign with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN.
(Signed) DAVID SPENCE.

Assisting witnesses:
(Signed) JOSE CASTRO.
(Signed) JUAN B. ALVARADO.

On the same date the foregoing decree was notified to the adjoining land-owners, who having understood it, said that they heard it and signed with me and the assisting witnesses.

(Signed) CASARIN.
(Signed) MARIANO SOBERANES.
(Signed) FELICIANO SOBERANES.
(Signed) JOSE MARIA ESTRADA.
(Signed) DAVID E. SPENCE.

Assisting witnesses:
(Signed) JOSE CASTRO.
(Signed) MANUEL BUTSEN.

On the same date, and in the same rancho, the decree wherein citizens Vicente Cantua and Casimiro Soto are appointed measurers, was notified to them, and having understood it, they said that they accepted and did accept said appointment, and swore by the Lord or God and the sign of the holy cross to comply faithfully and legally, to the best of their knowledge and ability, without deceit or fraud against any person; and said Soto alone signed, because Cantua said that he did not know how. I signed with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN.
(Signed) CASIMIRO SOTO.

Ass. witnesses:
(Signed) JOSE CASTRO.
(Signed) MANUEL BUTSON.

103 Immediately afterwards I, the said judge, ordered to be brought into my presence the cord wherewith the land was to be measured, and that the measurers should measure off one hundred varas, and signed with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN.

Assisting witnesses:
(Signed) JOSE CASTRO.
(Signed) MANUEL BUTON.

On the same day, in presence of me, the said judge, the said measurers took a hempen cord, and taking a common Mexican yard in their hands, measured off one hundred varas to make the said measurement with.

In testimony whereof, I sign with my flourish.

(Signed) [Alcalde's Flourish.]

On the same date, and in the same rancho, it being eight o'clock in the morning, I, the present alcalde, commanded the measurers appointed to place themselves in order to measure the whole of the land known as the Alisal, and divide afterwards the third part for the said William Edward Hartnell to take possession of; and standing at the oak tree of the three crosses, situated in the place called the *Matadero del Encinal*, twelve cords were calculated towards the north, to the mountains; returning to said oak tree, and taking the direction of W. ¼ N., one hundred cords were measured to the great lagoon; from the middle of said lagoon on the NW. side, in the direction of W.NW., to the point of the lagoon near the high road to the Alisal, thirty cords were measured; from the said point, in the direction of N.NE., to the mountain pass, (portezuelo,) the boundary of Manuel Buton, eighty cords were measured; from said portesuelo, in the direction of SE., two hundred cords were calculated.

Having made the measurement, the said measurers declared that there was about two square leagues, (como dos sitios de ganado mayor.) By mutual agreement between Messrs. Soberanes and Mr. Hartnell, it was stipulated that the boundaries of the latter
104 shall be from the high mountain to the N. of the oak tree of the three crosses in the *Matadero del Encinal.* All the boundary line of Buena Vista from said Matadero to the other side of the large lagoon, and from the edge of said lagoon on the NW. side, drawing a straight line in the direction of NE., until arriving at the middle of the second glen, (cañada,) on the other side of the mine towards the Soledad, and besides the great creek of the Alisal, from the swamp upwards towards the north of said swamp, that is to say, all the land comprised to the east of the creek, and to the north and east of the hills which run from the swamp to the middle of the second glen below the mine towards the Soledad, the springs of water and lagoons in the land corresponding to said Hartnell, to belong to him.

Having designated the boundaries, I ordered landmarks to be formed and a plot to be made of the part of the land belonging to said Hartnell, as a proof thereof, and signed, in presence of the attesting witnesses, according to law.

(Signed) MANUEL JIMENO CASARIN.

(Signed) JOSE CASTRO.

(Signed) MANUEL BUTRON.

On the same date the owners of the adjoining ranchos, Don Mariano Estrada, Don David Spence, Don Mariano Soberanes and, Don Feliciano Soberanes, was notified of the foregoing decree, which, having understood, they said that they heard it, and signed with me and the assisting witnesses.

(Signed) CASARIN.

(Signed) DAVID E. SPENCE.

(Signed) JOSE CASTRO.

(Signed) MANUEL BUTRON.

In the rancho of the Alisal, *alias* the Patroceno, it being about ten o'clock in the morning of the same day, month, and year, Mr. Wil-

liam Edward Hartnell, a resident of Monterey, accompanied by the judge of first instance and witnesses, with the design, as said Hartnell said, of taking true corporal and real possession of the said land of the Alisal, *alias* the Patroceno, it belonging to him by just
105 title which he obtained from the political government of this territory on the twenty-sixth day of June, eighteen hundred and thirty-four, and the approval of the most excellent territorial deputation on the sixteenth of July, eighteen hundred and thirty-four.

He entered and walked on said lands, pulled up grass, scattered handsfull of earth, broke off boughs of trees, and performed other ceremonies of true possession, which he said he took and did take of said lands. And the said judge did command that said Hartnell should thenceforward be held and acknowledged as true lord and possessor thereof.

Of all the before-mentioned said Hartnell requested that I, the said judge, should give him a certificate for future memory and the conservation of his rights, which was thus authorized, the assisting witnesses being Don José Castro and Don Manuel Butron, with whom I act as judge delegate, for want of a notary public, (there being none,) according to law. I give testimony.

(Signed) CASARIN.

Assisting witnesses:

(Signed) JOSE CASTRO.

(Signed) MANUEL BUTRON.

On the same date this expediente is returned to the party interested on nine useful folios. In testimony whereof, I made this note and signed with my flourish.

(Signed) [Flourish.]

Filed in office June 10th, 1852.

GEO. FISHER, *Sec'y.*

106 *No.* 264.—*Translation of the grant of Ampliacion to Alizal, forming part of Doc. H. I. T., No.* 1 *to depo. of Man'l Jimeno.*

Juan B. Alvarado, governor *ad interim* of the department of the Californias:

[SEAL.] Whereas Don Guillermo Ed. Hartnell, for his personal benefit and that of his family, has petitioned for an augmentation of the tract of land which he possesses in El Alizal, adding the valley (cañada) which embrace, a little more or less, from Aguajito del Patrocinio, direction N.NW., to the sierra adjoining the Gavilan, two miles; from the said "Aguajito," course NE., to the Lone Oak, two miles and a half; and from the same Aguaji, course E., to the summit of the Sinal, the same distance—an arroya running through the centre of the said valley—the proceedings and investigations having been previously had and made as provided by laws and regulations, in the exercise of the powers in me vested, I have concluded, in the name of the Mexican nation, to grant him the land aforesaid, accord-

ing unto him the ownership thereof by these present letters, subject to the approval of the departmental junta, and to the following conditions:

1a. He may enclose it without prejudice to the crossings, roads, and servitudes; he shall enjoy it freely and exclusively, appropriating to the use or cultivation he may deem proper.

2a. He shall request the respective judge to give him judicial possession thereof in virtue of his patent, by which the boundaries shall be designated, in the limits of which he shall plant, besides the landmarks, some fruit trees, or wild ones of some utility.

3d. The land indicated as the augmentation to that which he possesses is of the extent described in the *deseño*, which forms a part of the espediente. The judge who shall give the possession will cause it to be measured according to ordinance, the surplus remaining to the nation for its proper uses.

4th. If he contravene these conditions, he shall lose his right to the land, and it may be denounced by another.

Thereupon, this title being held as firm and valid, I command that it be entered in the proper book, and delivered to the grantee for his security and other purposes.

107 Given at Monterey on the eighth of May, eighteen hundred and thirty-nine.

(Signed) JUAN B. ALVARADO.
(Signed) MAN'L JIMENO,
Secretary of State.

This title is entered in the book of registry of adjudicated vacant lands, on folio 7.

(Signed) JIMENO.

I certify the foregoing to be a true and correct translation. Witness my hand this 27th Jan'y, 1853.

GEO. FISHER, *Sec'y.*

Filed in office Jan'y 27th, 1853.

GEO. FISHER, *Sec'y.*

Translation of title Cosumnes.—F.

Seal of the first class, eight dollars.

Authorized provisionally by the maratime custom-house of the port of Monterey, in the department of the Californias, for the years eighteen hundred and forty-four and eighteen hundred and forty-five.

(Signed) MICHELTORENA.
(Signed) PABLO DE LA GUERRA.

[CUSTOM-HOUSE SEAL.]

Citizen Manuel Micheltorena, brigadier general of the Mexican army, adjutant general of the staff of the same, governor commandant general and inspector of the department of Californias:

[GOV'T SEAL.]

Whereas Mr. William Edward Hartnell, a Mexican by naturalization, has solicited, for his personal benefit and that of

108 his family, a tract of land of the extent of eleven square leagues, bounded on the north by the river Cosumnes, in front of the rancho of Don Joaquin Sheldon, on the west by the rancho of Don Anastacio Chaboya, on the south by the vicinity of the Dry creek, (Arroyo de las Uvas,) and on the east by the vicinity of the Sierra Nevada; the necessary steps and investigations having been previously taken and made in conformity with the requirements of laws and regulations, I have, by virtue of the powers conferred upon me, granted unto him, in the name of the Mexican nation, the beforementioned land, according unto him the ownership thereof by these present letters, subject to the approval of the most excellent departmental assembly, and under the following conditions:

1st. He may surround it without prejudice to the crossings, roads, and privileges; he shall enjoy it freely and exclusively, destining it to the use or cultivation which may best suit him.

2d. He shall apply to the respective justice to give him juridical possession in virtue of this title. Said magistrate shall designate the boundaries, at the limits of which the grantee shall, besides placing the landmarks, plant some fruit trees or wild ones of some utility.

3d. The land whereof donation is made contains eleven square leagues, (once sitios de ganado mayor.)

The justice who gives the possession will cause it to be measured according to law, leaving the surplus for the uses which may be required by the nation.

4th. If he transgreses these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command that the present serving him for a title, and being held as firm and valid, a record thereof be made in the respective book, and be delivered to the party interested for his security and further ends.

Given in Monterey this third day of November, eighteen hundred and forty-four.

(Signed) MANUEL MICHELTORRENO.
(Signed) MANUEL JIMENO, *Secretary.*

This is recorded in the respective book, at folio 8.
(Signed) JIMENO.

109 Filed in office May 12th, 1852.
GEO. FISHER, *Sec'y.*

Copy of Hartnell's will.

Last will and testament of W. E. P. Hartnell, of Monterey, State of California.

In the name of the most Holy Trinity, Father, Son, and Holy Ghost, I, William Edward Petty Hartnell, being at this moment (thanks be to God!) in perfect health and sound mind and memory, do declare this to be my last will and testament.

In the first place, I declare it is my desire to live and die in the bosom of the holy Roman Catholic and apostolic church, and I request

that when it may please the Almighty to call me out of this world, my funeral be conducted in as plain and modest a manner as possible, and without any unnecessary pomp.

Item.—I declare that the property which I possess and the debts owing by and to me will be found expressed in the adjoining list with my name.

I do further declare that I do hereby constitute and appoint as my sole executors, and as tutors and guardians to such of my children as may remain under age at the time of my death, my dearly beloved wife, Maria Teresa de la Guerra, and her brother and my good friend Don Pablo de la Guerra, requesting that they will, as soon after my decease as possible, pay off my debts and satisfy my bequests. It is likewise my desire that my debtors be not in any way distressed on account of the amounts they may owe; but that they be merely requested to pay, and that whatever they may choose to pay be received in full of all demands.

I do furthermore declare that it is my desire that on my decease my wife do enter into and take possession of all my property, both real and personal estate, and that she have the sole management and control thereof during her natural life, (excepting such part as I may hereinafter dispose of,) for her use and benefit, and for the maintainance our dearly beloved children, Guillermo, Antonio, Juan, Adelburto, Teresa, José, Matilda, Ana Magdalena, Pablo, Ulderico, Silvestro, Amelia, Amicelfe, and any others which the Lord may be pleased to bless us with; and on the death of my said wife, it is my desire that all of said property be equally divided amongst our said children in the manner which may seem most equitable to my brother-in-law, Don Pablo de la Guerra, should he survive my wife; or in case of his previous death, to the person who my wife may by will appoint in his stead, without any responsibility, bond, or guarantee whatever on the part of either of my executors respecting the fulfilment of this my last will and testament; for my principal object is to prevent any member of the law from having anything whatever to do with my property or with my executors or heirs. I moreover give and bequeath unto my sister May, or in case of her death, to my sister Hannah, or to whichever of my brothers, George or Nathaniel, may be in most want thereof, the amount of one thousand dollars, which I request my executors to remit in a good bill of exchange on England to my brother Nathaniel, residing at No. 1 Hagly place, New Kent road, London.

I furthermore desire that another bill of exchange of the same description, for the amount of six hundred, be forwarded to the R't Rev'd Doctor Denvon, B. C. Bishop, or in his absence, to the Rev'd James Kellen, P. P., Bullymarreth, Belfast, Ireland, for him to distribute to the persons about whom I have written to him in proportion to their necessity. It being understood that should I, in my lifetime, be enabled to make remittances of the two before-mentioned amounts of $1,000 and $600, then these two bequests to be null and void.

I give and bequeath to my son Guillermo my large family mourning ring; unto my son Juan, my old silver watch; unto my son Adelbuto, the ring which I wear; and to daughter Teresa, my moth-

er's likeness; to the rest of my children I give and bequeath my library, to be divided amongst them as their mother may see fit; and to the whole of them I give my paternal blessing in the name of the Father, Son, and Holy Ghost. Amen.

111 Signed, sealed, and delivered in the city of Monterey, this sixth day of December, eighteen hundred and fifty, in the presence of the subscribing witnesses.

W. E. P. HARTNELL. [W. E. P. H.]

We, the undersigned do hereby certify that the foregoing document was signed by W. E. P. Hartnell in our presence, and then and there declared by him to be his last will and testament.

MANUEL JIMENO,
Residento en la ciudad de Monterey.
D. SPENCE,
Resident in the city of Monterey.

List of property belonging to me this day, and debts owing to and by me referred to in my foregoing will and testament.

1st. My dwelling-house in Hartnell street, with the lot annexed of the dimensions expressed in a document signed by Walker Castro, on the 17th March, 1847, (less 30 yards square,) sold John Gouman, 15 y. front by 30 y. deep, sold J. R. Mason.

2d. A lot of 40 yards front, 56 in depth, opposite my said dwelling-house, as per deed signed by W. Colton 9th April, 1847.

3d. A lot of 160 yards front, and 100 y. in depth, (less 25 y. front by 40 in depth,) sold John Morres, and the same quantity of land sold H. W. Halleck, situated in Chanato street, as per deed signed W. Colton, 3 month, 1847.

4th. A lot near the Huesta Veega, of 25 y. front by 50 y. in depth, as per deed given by Marcedonia Pardillo, 31st December, 1849.

5th. Five lots in South Francisco, as per deed signed by John Townsend and Celle Boon the 30th September, 1849.

6th. My rancho of the Alisal, (now called Patrocenio,) as per deed signed José Figueroa the 26th June, 1834, with two houses on the same.

7th. Augmentation to said rancho, as per deed signed by Juan B. Alvarado 8 May, 1839.

8th. My rancho of Todos Santos and San Antonio, as per deed signed by Juan B. Alvarado 28th August, 1841.

9th. My rancho of the Cosumnes, less the sections No. 10 and 12 sold to W. T. Sherman, No. 14 sold to W. L. Wilson, No. 16 sold to Jared Sheldon, and the lower half of No. 13 sold to Mr. Austin,

112 as per map, surveyed by W. T. Sherman and deposited in the archives of the recorder's office, at Sacramento city, as per deed, and signed by Manuel Micheltorena, 3d Nov., 1844.

10th. My personal property, consisting a little more or less, in one thousand head of cattle, fifteen horses, eight mules, two carriages, one waggon, a library, household furniture, etc.; W. D. Wilson's obligation for $1,963, due Nov. 2d; J. C. Anten's note for $900, due 22d

Nov. or Dec. (in the hands of A. C. Monson, Sacramento city, for collection;) Wilson's note for $2,250, due 2d February, 1851; John Morrison's obligation for $200 past due; Mariano Soberanes owes, in cash, $79; Joaquin Estrada owes, according to my account, some $900, but he denies the greater part; José Antonio Carello owes about $1,000.

Debts owing by me.

I am indebted of San Francisco, as agent of John Yates, of Liverpool, $1,297 37½ cts.; to W. D. Howard, of San Francisco, some $600; to José Antonio Agua, of San Diego, $915 01; to Alexander Forbes, of Santa Clara, (as agent for Burberan, Foster & Co., Tepic,) $400.

Monterey, 6th December, 1850.

W. E. P. HARTNELL.

L. W. Hastings, of Sutter, is likewise indebted to me the amount of five thousand dollars ($5,000) for a lot or parcel of land which he sold for me to Mr. J. Sheldon and received the cash for; and as this was a breach of trust on his part, I desire that he may be proceeded against to the rigor of the law.

Monterey, 6th December, 1850.

W. E. P. HARTNELL.

PROBATE COURT, MONTEREY COUNTY,
State of California:

MONDAY, 27*th February*, 1854

David Spence, upon being sworn, deposeth and saith that he was acquainted with W. E. P. Hartnell, deceased; that he is now
113 dead; that he died on the morning of the 2d of this month and year. Upon being shown the last will and testament of W. E. P. Hartnell, says that he has known the handwriting of W. E. P. Hartnell for many years, and that the writing and signature to the will is that of W. E. P. Hartnell; that he (David Spence) was a witness to the signature at the time the will was signed by the late W. E. Hartnell; says that the signature which he, David Spence, is the signature affixed to an instrument purporting to be the last will and testament of W. E. P. Hartnell; says that it is his (David Spence) signature as witness to the signature of W. E. P. Hartnell affixed to said instrument; says that W. E. P. Hartnell, deceased, signed the same in his presence, and at the same time mentioned in deponent's presence, that was his signature to his last will and testament; says that he signed the same as witness in the presence of W. E. P. Hartnell, and at his request; says that at that time he knows that W. E. P. Hartnell, deceased, was of sound mind and disposing memory; that Manuel Jimeno and James McKenly were also subscribing witnesses to the signature of W. E. P. Hartnell, as shown in his will and testament, at the time he, deponent, subscribed to the same; that according to his, deponent's, last information, said Manuel Jimeno died in Mexico not long since; that he is, therefore, not now in this country.

Upon being shown the signature of Manuel Jimeno as a subscribing witness to the signature of W. E. P. Hartnell, states that it is his, Manuel Jimeno's, signature, and signed in deponent's presence; states that he is acquainted with James McKenley, and that the signature of said McKenley as a subscribing witness to the signature of W. E. P. Hartnell, as shown in his last will and testament, is the signature of James McKenley, and that the said James McKenley signed the same in his, deponent's, presence; says that according to the best of his information that said McKinley has been absent from this country some months, and that he is now supposed to be in the county of San Luis Obispo, according to the best information that is in the possession deponent.

D. S. SPENCE.

Subscribed and sworn to before me in open court this 27th day of February, 1854.

JAMES H. GLEASON,
Clerk of Probate Court, Monterey County,
pr. EDW'D L. WILLIAMS,
Deputy ditto.

114 PROBATE COURT, MONTEREY COUNTY,
State of California:

Regular term of February, 1854.

On reading the last will and testament of W. E. P. Hartnell, proved to be such by the testimony of David Spence, one of the subscribing witnesses, and it appearing to the satisfaction of the court by the testimony of said Spence that the testate at the time of the execution was of sound mind, and not under restraint, the court therefore orders that the said will be admitted to probate, and that letters testamentary, with a copy of the will annexed, be issued to the executors named in said will, to wit: Pablo de la Guerra de Hartnell.

Given under my hand and the seal of the court affixed this 28th day of February, A. D. 1854.

{ Seal of pro- } JOSIAH MERRITT,
{ bate court. } *Probate Judge of Monterey County.*

I, James H. Gles'n, clerk of the probate court in and for the county of Monterey, State of California, do hereby certify that the foregoing exhibits a true and correct copy from the records of the probate court in and for said county, in Book of Wills, pages from 25 to 32, inclusive.

Given under my hand and the seal of the said court affixed this day, May 1st, A. D. 1854

[SEAL.] JAMES H. GLEASON,
Clerk of said Court.

Filed in office June 10th, 1854.

GEO. FISHER, *Sec'y.*

Recorded in Record of Evidence, vol. 8, p. 507.

GEO. FISHER, *Sec'y.*

115 *Letter of secretary to surveyor general.*

OFFICE OF THE BOARD OF COMMISSIONERS OF CALIFORNIA LAND CLAIMS,
San Francisco, May the 19th, 1852.

Samuel D. King, esq., surveyor general:

SIR: There is pending before the board of commissioners a petition in favor of Guillermo Edw. Hartnell, being No. 228 on the docket of the said board, claiming a tract of land under a grant from Governor Juan B. Alvarado to the petitioner, dated August the 28th, 1841, which tract of land is called Todos Santos and San Antonio, and is described as follows, viz: to the extent of five square leagues, a little more or less, in Santa Barbara county, bounded on the east by Los Alamos; on the west by the beach of San Antonio; on the south by the hill of La Purisima; and on the north by La Laya.

Petitioner also claims a tract of eleven square leagues on the Cosumnes river, opposite Sheldon's ranch, having that of Chaboya's on the west, and the Sierra Nevada on the east. The grant is from Governor Micheltorena, and bears date November the 3rd, 1844.

You will please inform the board whether the Mexican archieves in your office show that such a grant was made; whether it was approved by the territorial deputation, and when; whether the papers relating to said grant appear in all respects fair and genuine; and whether any particular circumstances have come to your knowledge calculated to cast suspicion on the fairness and validity of the claim.

Very respectfully, yours,

(Signed) GEO. FISHER, *Sec'y.*

116 *Reply of surveyor general to secretary.*

SURVEYOR GENERAL'S OFFICE,
San Francisco, August 24th, 18th, 1852.

To the Secretary of the commissioners of California land claims:

SIR: In reply to your inquiries, No. 225, I have the honor to state that there is among archieves in this office an expediente, No. 252, purporting to show that such a grant was made as is specified in your inquiry. Said document shows the approval of the departmental assembly on the 22d April, 1846.

The papers in that case appear to be fair and genuine, and I know of nothing among said archieves calculated to cast suspicion thereon.

Very respectfully, yours,

SAM'L D. KING,
Surveyor General.

Notice.

Case No. 228.

Before the U. S. board of land commissioners to ascertain and settle private land claims in California.

HARTNELL
vs.
THE UNITED STATES.

To Messrs. Halleck, Peachy & Billings:

GENTLEMEN: Take notice that on the 26th day of June, 1854, at the hour of 10 o'clock a. m., or as soon thereafter as the matter can be reached before a proper commissioner, I shall proceed to take the deposition of ——— Parker, to be read in evidence on the trial of the above-entitled case, on the part of the United States.

Respectfully,

J. H. McKUNE, *Law Agent.*

117 Received copy of the above notice June 24th, 1854.

HALLECK, PEACHY & BILLINGS,
Att'ys for Claim't.

Filed in office June 26th, 1854.

GEO. FISHER, *Sec'y.*

Motion to review.

Cases 264 and 268.

The counsel for the claimant in this case suggests the death of the claimant, W. E. P. Hartnell, since the filing of the petitions therein, and move this hon. commission for an order, that the said claims may be reviewed in the names of the heirs-at-law of the said claimant, to be proved by testimony hereafter to be taken.

April 18th, 1854.

HALLECK, PEACHY & BILLINGS.

Filed in office April, 1854.

GEO. FISHER, *Sec'y.*

Recorded in journal, vol. 3, page 642.

GEO. FISHER, *Sec'y.*

Motion to amend petition.

No. 228.

In the claim of W. E. P. Hartnell to Todos Santos y San Antonia and Cosumnes:

Moved that the petition in this case be amended by substituting, in the name of the original claimant, the names of Maria Teresa de la Guerra de Hartnell, widow, Guillermo A. Hartnell, Juan Hartnell,

Adelbulto Hartnell, Teresa Hartnell, José Hartnell, Matilda Hartnell, Ana Hartnell, Pablo Hartnell, Uldareo Hartnell, Amelia Hartnell, and Silvestre Hartnell, children; and Pablo de la Guerra, and
118 Maria Teresa de la Guerra de Hartnell, executors of W. E. P. Hartnell, deceased.

HALLECK, PEACHY & BILLINGS,
Att'ys for Claimants.

Filed in office Oct. 17th, 1854.

GEO. FISHER, *Sec'y.*

Recorded in journal, vol. 4, page 70.

GEO. FISHER, *Sec'y.*

No. 264.—228.

Ordered that leave be granted to amend the petition by making the widow, the executors, the devisees and heirs of W. E. P. Hartnell, parties therein.

Filed in office, July 11, 1854.

GEO. FISHER, *Sec'y.*

Recorded in journal, vol. 3, page 712.

GEO. FISHER, *Sec'y.*

Stipulation No. 1.

No. 228.

Claim of widow, heirs, and devisees of the late William E. P. Hartnell to the ranchos Todos Santos y San Antonio and Cosumnes.

It is hereby agreed between the parties to this cause, by their respective attorneys, that a document this day filed in case, No. 264, purporting to be a certified copy of the last will and testament of the late William E. P. Hartnell, should be held and considered in this claim, and shall have the same legal force and effect as if said document had been originally filed in this case, and none other. The claimants shall file a copy of said document, duly certified by the secretary of the board of land commissioners, in this case.

J. H. McKUNE, *Law Agent,*
Claimant's Att'ys.

Filed in office July 10, 1854.

GEO. FISHER, *Sec'y.*

Recorded in journal, vol. 3, page 706.

GEO. FISHER, *Sec'y.*

119 *Stipulation.—No.* 228.

It is hereby stipulated and agreed that the papers filed in case No. 264 before this commission shall be deemed and considered in evidence

in this case (No. 228) with the same force as if the papers had been duly filed herein.

Sept. 12th, 1854. J. H. McKUNE, *Law Agent.*
HALLECK, PEACHY & BILLINGS,
Att'ys for Claim'ts.

Filed in office Oct. 24, 1854.

GEO. FISHER, *Sec'y.*

Recorded in journal, vol. 4, p. 87.

GEO. FISHER, *Sec'y.*

120 *Opinion of board, by Com. Farwell.*

HEIRS OF WM. E. P. HARTNELL
vs.
THE UNITED STATES.

For the place called Todos Santos and San Antonio, situate in the county of Santa Barbara, containing five square leagues, and also for a place called Cosumnes, situate in the county of Sacramento, and containing ten leagues.

This case was filed in this commission in the name of Wm. E. P. Hartnell, and is based upon two grants: one issued by Governor Alvarado, on the 28th day of August, 1841, for the place called Todos Santos and San Antonio, containing five square leagues; and also one issued by Governor Mechetorena, on the 3rd day of November, 1841, for the place called Cosumnes, for eleven square, leagues which said grants have been filed in this case, together with the traced copies of the expediente, and maps attached to the same upon which said grants were issued; all of which are properly authenticated and made evidence in the case. The proofs show that judicial possession was given of the place called Todos Santos on the 4th day of October, 1841, and that the conditions of the colonization laws in reference to occupation and cultivation were previously complied with on the part of the grantee.

The aforementioned documents were presented to the departmental assembly for their action, and that body approved the grant for the place called Todos Santos and for the place called Cosumnes, to the extent of six leagues, allowing the grantee to select the same within the exterior boundaries named in the expediente, and as set forth by the plat accompanying the same.

The evidence is such as to leave no doubt of a right to confirmation to the place callod Todos Santos, and we think that under the ruling of the Supreme Court in the case of Frémont, the claimants are also entitled to a confirmation for six leagues, to be located within the boundaries specified in the subsequent grant for the place called *Cosumnes*. And it appearing that since the filing of the peti-

121 tion herein the said Wm. E. P. Hartnell has departed this

life, leaving a wife and children heirs to his estate, and for whose benefit confirmation is now sought, and a decree will be entered accordingly. Confirmed.

Filed in office Aug't 7, 1855.

GEO. FISHER, *Sec'y.*

122 *Decree.*

HEIRS OF WM. E. P. HARTNELL
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid; and it is therefore decreed that their application for a confirmation thereof is allowed.

The land of which confirmation is hereby given consists of a place called Todos Santos and San Antonio, containing five square leagues, situate in the county of Santa Barbara, and to be located within the following exterior lines or bounds: on the east by Los Alamos, on the west by the beach of San Antonio, on the south by the hill of La Purisima, and on the north by the plain of La Larga.

Also a place called Cosumnes, situate in the county of Sacramento, and containing six square leagues, and to be located within the following boundaries: the river Cosumnes on the north, opposite the rancho of Sheldon; on the west, the rancho of Don Anastacio Chaboya; on the south, by the vicinity of Dry creek; and on the east, by the vicinity of the Sierra mountains; reference being had to the grants and maps accompanying the expedientes on file in this case.

R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Aug. 7, 1855.

GEO. FISHER, *Sec'y.*

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the northern and southern districts of California, it is ordered that three transcripts of the proceedings and decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerks of the United States district courts for the northern and southern judicial dis-
123 tricts of California, and the other be transmitted to the Attorney General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing one hundred and forty-two pages, num-

bered from 1 to 142, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 228 on the docket of the said board, wherein *wherein* Wm. E. P. Hartnell is the claimant against the United States, for the place known by the name of "Todos Santos y San Antonio" and "Cosumnes."

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, [SEAL.] this tenth day of December, A. D. 1855, and of the independence of the United States of America the eightieth.

GEO. FISHER, *Sec'y.*

124 *Notice of appeal.*

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 11 *February*, 1856.

228.—"Todos Santos y San Antonio and Cosumnes."

Wm. E. Hartnell, claimant:

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 1st day of January, 1856, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

CUSHING,
Attorney General.

Filed June 3rd, 1856.

C. E. CARR, *Cl'k*,
By O. MORGAN, *Deputy.*

125 *Petition for review.*

In the district court of the United States for the southern district of California, city and county of Los Angeles, State of California.

WILLIAM E. P. HARTNELL, appellee, *ads.* THE UNITED STATES, appellant. } Docket No. 357.—Transcript No. 228.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States represents as follows:

That heretofore, to wit, on or about the 12th day of May, A. D. 1852, William E. P. Hartnell presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called Todos Santos and San Antonio, in the county of Santa Barbara, State

of California, which said petition is referred for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 5th day of January, A. D. 1856, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 228, reference to which it is prayed may be had and made part of this petition.

That on or about the 1st day of January, A. D. 1856, the Hon. Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and de-
126 cision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to wit, on or about the 3rd day of June, A. D. 1856, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners in the district court of the United States for the southern district of California would be prosecuted by the United States. Your petitioner further represents that the land claimed, as aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said commissioner in said cause, filed and appealed from as aforesaid.

And your petitioner denies all and singular each and every allegation in the said petition of said claimant, presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof. And no sufficient proof having been made of of the allegations in said petition to said commissioners, or in support the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican governments to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to, the United States, by virtue of conquest, and the treaty of peace, friendship, limits, and settlement between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo February 2d, A. D. 1848.

Wherefore the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3d, A. D. 1851,
127 and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served

with a copy of this petition; and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the said claim, and decree the alleged title to be invalid, with costs and general relief.

(Signed) P. ORD,
Attorney of the United States for the southern district of California.

Filed this 5th January, 1857.

C. SIMS, *Cl'k*,
By L. H. COLEMAN, *Dep.*

128 *Summons.*

UNITED STATES OF AMERICA,
Southern district of California, } *ss:*

The President of the United States to William E. P. Hartnell, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you in the district court of the United States in and for the southern district of California, on the 5th day of January, in the year of our Lord one thousand eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by P. Ord, U. S. att'y, praying said court to review the decision of the U. S. law commissioners of the 7th of August, 1855, confirming your claim to the land called Todos Santos y San Antonio, and that you are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or the petitioner will apply to the court for the relief demanded therein.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, at the city of Los Angeles, this 10th day of January, A. D. 1857.

[SEAL.]

C. SIMS, *Clerk*,
By J. H. COLEMAN, *Dep.*

Received Jan'y 10th, 1857.

EDWARD HUNTER, *U. S. Marshal*,
Pr. M. L. GOODMAN, *Deputy.*

129 I served this summons, together with a certified copy of the petition, upon F. Billings, att'y for app'ee, by his acknowledging service of same, at Los Angeles, in the southern district of California, on the 10th day of January, A. D. 1857.

EDWARD HUNTER, *U. S. Marshal*,
Per M. L. GOODMAN, *Deputy.*

Sworn to and subscribed before me this 10 January, 1857.

C. SIMS, *Clerk*,
By J. H. COLEMAN, *Dep.*

Filed on return this 10th January, A. D. 1857,

C. SIMS, *Cl'k*,
Pr. J. H. COLEMAN, *D't.*

130 *Answer of appellees.*

No. 357.

In the United States dist. court, southern dist. of California.

THE UNITED STATES, appellants,
vs.
HEIRS OF W. E. P. HARTNELL, appellees. } Transcript No. 228.

Pablo de la Guerra and Teresa de la Guerra y Hartnell, executors of the last will and testament, and Teresa de la Guerra y Hartnell, widow, and Guillermo Antonio Hartnell, Juan Hartnell, Adelberto Hartnell, Teresa Hartnell, José Hartnell, Ana Hartnell, Magdalena Hartnell, Pablo Hartnell, Uldarico Hartnell, Silvestre Hartnell, and Amelia Hartnell, children of W. E. P. Hartnell, deceased, appellees in the above-entitled cause, appear by their attorneys, and for answer to the petition of the United States, filed herein, say:

That their title to the tract of land called "Todos Santos y San Antonio," granted to the said W. E. P. Hartnell by Governor Alvarado on the 28th day of August, A. D. 1841, as set forth and described in the petition to the board of commissioners, and in the documentary and other evidence filed in this case, is a good and valid title, and that the land so claimed and described is situate in the southern judicial district of California and within the jurisdiction of this honorable court.

That their title to the tract of land called "on the river Cosumnes," or "Rancho de Hartnell," granted to the said W. E. P. Hartnell by Governor Micheltoreno on the 3rd day of November, A. D. 1844, as set forth and described in the petition to the board of commissioners, and in the documentary and other evidence filed in this case, is a good and valid title, and that the land so claimed and described is situate in the northern judicial district of California and without the jurisdiction of this hon. court.

And they pray this honorable court to affirm so much of the
131 decision of the commissioners as confirms to them their claim to the said tract of land called Todos Santos y San Antonio, and to decree their title thereto to be valid, and to dismiss so much of the appeal in this case as relates to the said tract of land called "on the river Cosumnes," or "Rancho de Hartnell," because the said tract of land so claimed lies in the northern judicial district of California and not within the jurisdiction of this honorable court, and for general relief.

Filed this 21st January, 1857.

C. SIMS, *Cl'k*,
Pr. J. H. COLEMAN, *Dep.*

132 *Decree dismissing appeal as to part of land.—Affirming decision of commissioners as to balance.*

In the district court of the United States within and for the southern district of California.—Hon. Isaac S. K. Ogier, judge.—December T, 1856.

THE UNITED STATES, appellants,
vs.
PABLO DE LA GUERRA and TERESA DE LA GUERRA Y HARTNELL, executors of the last will and testament, and Teresa de la Guerra y Hartnell, widow, and Guillermo Antonio Hartnell, Juan Hartnell, Adelberto Hartnell, Teresa Hartnell, José Hartnell, Ana Hartnell, Magdalena Hartnell, Pablo Hartnell, Uldarico Hartnell, Silvestre Hartnell and Amelia Hartnell, children of Wm. E. P. Hartnell, deceased, appellees.

No. 357.—Transcript from the board of land commissioners, No. 228.

This cause coming on to be heard on appeal from the decision of the board of land commissioners to ascertain and settle private land claims in California, upon the transcript of the proceedings and decision of said board and the documentary and other evidence upon which said decision was founded, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that so much of the appeal heretofore taken in this case by the United States as relates to the tract of land set forth and described in the petition to the board by W. E. P.Hartnell, and in the documentary and other evidence in the case "Cosumnes," or "on the river Cosum-
133 nes," or "Rancho de Hartnell," be, and the same is hereby, dismissed: it appearing to the court, and being admitted by the district attorney of the United States, that the said tract of land lies in the northern judicial district of California, and wholly without the jurisdiction of this court. And it is further ordered, adjudged, and decreed that the decision of said board of land commissioners declaring valid and confirming the claim of the above-named appellees to the tract of land set forth and described in William E. P. Hartnell's petition to the board and in the documentary and other evidence in this case as "Todos Santos y San Antonio" be and the same hereby is affirmed, and that the title of said appellees to the said tract of land called "Todos Santos y San Antonio" is a good and valid title.

The land of which confirmation is hereby made is situated in the county of Santa Barbara; is known by the name of "Todos Santos y San Antonio;" is of the extent of five square leagues, and no more, and the same granted on the 28th day of August, A. D. 1841, by Governor Juan B. Alvarado to William E. P. Hartnell, and is bounded east by the Alamos, west by the playa or beach of San Antonio, south by the cuesta of La Purisima, and north by the Llano de la

Larga, according to the grant and the map in the expediente, to which reference is had for the description, in aid of the location of the land, reference being also had to the juridical possession.

If the land within said boundaries exceeds in quantity five square leagues, the confirmation hereby made is made to five square leagues, and no more; but if the land within the said boundaries is less in quantity than five square leagues, then the confirmation hereby made is made to such less quantity.

(Signed) ISAAC S. K. OGIER,
U. S. Dist. Att'y, South'n J. Dist. of Cal.

Recorded in page 154.

Filed Jan'y 22d, 1857.

C. SIMS, *Clerk.*

134 Whereupon the following orders were had in open court, to wit:

Order granting an appeal to the United States.

United States district court for the southern district of California.—Regular term, December, A. D. 1856.

LOS ANGELES, *Feb'y 24th*, 1857.

GUILLERMO E. HARTNELL, app'lee,
vs.
THE UNITED STATES, app'ts. } No. 357, D. C.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed the United States in the following cases, No. 357, etc.

Order granting a new appeal.

United States district court, southern district of California.—December term, A. D. 1861.

MONDAY, *Dec. 9th*, 1861.

GUILLERMO E. HARTNELL
vs.
THE UNITED STATES. } No. 357, D. C.—No. 228, L. C.

And now comes J. R. Gitchell, esq., appointed at the request of the court to represent the U. S. herein, (there being no U. S. att'y present,) and moves the court that a new appeal be allowed
135 the United States in this case to the Supreme Court of the United States, from the order and decree of this court heretofore rendered, which motion being heard, and by the court understood, is granted.

136 OFFICE OF THE CLERK OF THE UNITED STATES DISTRICT COURT
For the Southern District of California.

I, John O. Wheeler, clerk of the United States district court for the southern district of California, hereby certify that the above and

foregoing one hundred and thirty-five pages, numbered from 1 to 135, both inclusive, to contain a full, true, and correct transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence, and of the testimony of the witnesses upon which said decision was founded, on file in my office, in case No. 357 on the docket of said court, wherein Wm. E. P. Hartnell is the claimant, against the United States, for the places called "Todos Santos y San Antonio" and "Cosumnes."

In witness whereof, I have hereunto signed my name and
[SEAL.] affixed the seal of said court, at Monterey, Cal'a, this the thirtieth day of June, A. D. 1862.

JOHN O. WHEELER, *Clerk.*